



# ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

ಸಂಪುಟ - ೧೫೯ Volume - 159	ಬೆಂಗಳೂರು, ಗುರುವಾರ, ೧೮, ಜನವರಿ, ೨೦೨೪(ಪುಷ್ಯ, ೨೮ ಶಕವರ್ಷ, ೧೯೪೫) BENGALURU, THURSDAY, 18, JANUARY, 2024(PUSHYA, 28, SHAKAVARSHA, 1945)	ಸಂಚಿಕೆ ೧೪ Issue 14
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ಭಾಗ ೪

ಕೇಂದ್ರದ ವಿಧೇಯಕಗಳು ಮತ್ತು ಅವುಗಳ ಮೇಲೆ ಪರಿಶೀಲನಾ ಸಮಿತಿಯ ವರದಿಗಳು,  
ಕೇಂದ್ರದ ಅಧಿನಿಯಮಗಳು ಮತ್ತು ಅಧ್ಯಾದೇಶಗಳು, ಕೇಂದ್ರ ಸರ್ಕಾರದವರು ಹೊರಡಿಸಿದ  
ಸಾಮಾನ್ಯ ಶಾಸನಬದ್ಧ ನಿಯಮಗಳು ಮತ್ತು ಶಾಸನಬದ್ಧ ಆದೇಶಗಳು ಮತ್ತು  
ರಾಷ್ಟ್ರಪತಿಯವರಿಂದ ರಚಿತವಾಗಿ ರಾಜ್ಯ ಸರ್ಕಾರದವರಿಂದ  
ಪುನಃ ಪ್ರಕಟವಾದ ಆದೇಶಗಳು

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 37 ಕೇನಿಪು 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10.01.2024.  
ದಿನಾಂಕ: 01.09.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Mineral (Auction) Amendment Rules,  
2023ರ Notification-GSR 648(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ  
ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF MINES**

**NOTIFICATION**

New Delhi, the 1 September, 2023

**G.S.R. 648(E).**—In exercise of the powers conferred by section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the Central Government hereby makes the following rules further to amend the Mineral (Auction) Rules, 2015, namely:—

**1. Short title and commencement:**— (1) These rules may be called the Mineral (Auction) Amendment Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2.** In the Mineral (Auction) Rules, 2015 (hereinafter referred to as the said rules), in rule 5, in sub-rule (2), the following proviso shall be inserted, namely:—

“Provided that where details of the land is available in the Prime Minister Gati Shakti - National Master Plan for Multi-modal Connectivity platform or land record portal of the State Government or any other Government authority, the State Government may use such details for classification of the land.”.

**3.** In the said rules, in rule 9,—

(i) in sub-rule (1), in clause (a), for the words “land not owned by the State Government; and”, the following shall be substituted, namely:—

“land not owned by the State Government:

Provided that where details of the land is available in the Prime Minister Gati Shakti - National Master Plan for Multi-modal Connectivity platform or land record portal of the State Government or any other Government authority, the State Government may use such details for classification of the land; and”;

(ii) in sub-rule (2), in clause (b), for the words, “land not owned by the State Government; and” the following proviso shall be substituted, namely:—

“land not owned by the State Government:

Provided that where details of the land is available in the Prime Minister Gati Shakti - National Master Plan for Multi-modal Connectivity platform or land record portal of the State Government or any other Government authority, the State Government may use such details for classification of the land; and”;

**4.** In the said rules, after rule 9A, the following rule shall be inserted, namely:—

**“9B. Conduct of auction of mining lease by Central Government under section 11D.**—(1) The State Government shall intimate to the Central Government the details of all the areas or mines available with the State Government for auction of mining lease, in respect of any mineral specified in the Part D of the First Schedule to the Act within forty-five days of the commencement of the Mineral (Auction) Amendment Rules, 2023.

(2) The State Government shall intimate to the Central Government regarding the following, namely:—

- (a) receipt of any geological report in respect of any mineral specified in the Part D of the First Schedule to the Act for auction of mining lease from Geological Survey of India, Mineral Exploration Corporation Limited or any other Government or private entity, within a period of forty-five days of receiving it;
  - (b) termination of mining lease or lapsing of letter of intent for mining lease in respect of any mineral specified in the Part D of the First Schedule to the Act, within fifteen days from such termination or lapse;
- (3) The Central Government may require the State Government to provide the details specified under rules 5 and 9 for conduct of auction and the State Government shall provide such details to the Central Government within thirty days.
- (4) For conducting an auction by the Central Government for grant of mining lease under section 11D, the provisions of rules 5 to 9, as applicable to a State Government, shall *mutatis mutandis* be also applicable to the Central Government.
- (5) Upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant mining lease for such area to such preferred bidder in accordance with rule 10.”.

5. In the said rules, after rule 17A, the following rule shall be inserted, namely:—

**“17B. Conduct of auction of composite licence by Central Government under section 11D.—**(1) The State Government shall intimate to the Central Government the details of all the areas or mines available with the State Government for auction of composite licence, in respect of any mineral specified in the Part D of the First Schedule to the Act within a period of forty-five days of the commencement of the Mineral (Auction) Amendment Rules, 2023.

(2) The State Government shall intimate to the Central Government regarding the following, namely:—

- (a) receipt of any geological report in respect of any mineral specified in the Part D of the First Schedule to the Act for auction of composite licence from Geological Survey of India, Mineral Exploration Corporation Limited or any other Government or private entity, within a period of forty-five days of receiving it;
  - (b) termination of composite licence or lapsing of letter of intent for composite licence in respect of any mineral specified in the Part D of the First Schedule to the Act, within fifteen days from such termination or lapse;
- (3) The Central Government may require the State Government to provide the details specified under rules 16 and 17 for conduct of auction and the State Government shall provide such details to the Central Government within thirty days.
- (4) For conducting an auction by the Central Government for grant of composite licence under section 11D, the provisions of rules 16 and 17, as applicable to a State Government, shall *mutatis mutandis* be also applicable to the Central Government.
- (5) Upon successful completion of the auction, the Central Government shall intimate the details of the preferred bidder in the auction to the State Government and the State Government shall grant composite licence for such area to such preferred bidder in accordance with rule 18.”.

[F. No. M.VI-1/3/2023-Mines VI]

Dr. VEENA KUMARI DERMAL, Jt. Secy.

**Note:-** The Mineral (Auction) Rules, 2015 were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 406(E), dated the 20<sup>th</sup> May, 2015 and lastly amended, *vide* number G.S.R. 137(E), dated the 18<sup>th</sup> February, 2022.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-18**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಾಖ್ಯಾನ 38 ಕೇನಿಪು 2023

ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10.01.2024.

ದಿನಾಂಕ: 03.10.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ

Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the India International Arbitration Centre

(Composition and Functions of the Committees) Rules, 2023ರ Notification-GSR 717(E)

ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-



**MINISTRY OF LAW AND JUSTICE**

**(Department of Legal Affairs)**

**NOTIFICATION**

New Delhi, the 3rd October, 2023

**G.S.R. 717(E).**—In exercise of the powers conferred by clause (c) of sub-section (2) of section 30 read with sub-section (2) of section 19 of the India International Arbitration Centre Act, 2019 (17 of 2019), the Central Government hereby makes the following rules, namely:-

**1. Short title and commencement.** — (1) These rules may be called the India International Arbitration Centre (Composition and Functions of the Committees) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.** — (1) In these rules unless the context otherwise requires, -

(a) “Act” means the India International Arbitration Centre Act, 2019 (17 of 2019);

(b) “Centre” means the India International Arbitration Centre established and incorporated under section 3 of the Act;

(c) “Registrar” means the Registrar referred to in clause (a) of sub-section (1) of section 23 of the Act.

(2) The other words and expressions used in these rules and not defined, but defined in the Act shall have the same meanings respectively assigned to them in the Act.

**3. Committees.** - (1) The Centre shall constitute such Committees as may be considered necessary to advice, suggest and oversee or monitor various aspects of its functioning including the following, namely: -

(i) Executive Committee;

(ii) Finance and Administration Committee;

(iii) Works Committee; and

(iv) Policy Advisory Committee.

(2) The Committees constituted shall be subject to the overall supervision of the Centre.

**4. Executive Committee.** - (1) The Executive Committee shall make suggestions on various aspects concerning the functions of the Centre and to oversee the implementation of the decisions taken by the Centre from time to time.

(2) The Executive Committee shall comprise of minimum three members and a maximum of nine members which shall, amongst other persons, consists of the following, namely: -

(i) three Members of the Centre to be nominated by the Centre;

(ii) Chief Executive Officer; and

(iii) Registrar

(3) The Centre may nominate, for a period of two years, upto four additional members, having experience of not less than twenty years relating to arbitration and whose presence would benefit the working of the Executive Committee.

**5. Finance and Administration Committee.** - (1) The Finance and Administration Committee shall assist the Centre on such matters of finance, accounts, tax, human resources, general administration, procurement and legal matters as are referred to it and oversee implementation of the decisions of the Centre.

(2) The composition of the Finance and Administration Committee shall be as follows, namely:-

- (i) The Financial Adviser, Ministry of Law and Justice;
- (ii) Chief Executive Officer; and
- (iii) Registrar.

**6. Works Committee.** - (1) The Works Committee shall assist the Centre and oversee implementation of the decisions of the Centre with regard to land, construction, maintenance projects, renovation or any other major construction works of the Centre.

(2) The composition of the Works Committee shall be as follows, namely: -

- (i) one Member of the Centre to be nominated by the Centre;
- (ii) a representative of the Department of Legal Affairs in the Ministry of Law and Justice;
- (iii) Chief Executive Officer; and
- (iv) Registrar

(3) The Centre may co-opt any technical Member from the Central Public Works Department or National Buildings Construction Corporation or any other construction agency so that, the Committee is benefited of the inputs of the domain expert in area of construction.

**7. Policy Advisory Committee.** - (1) The Policy Advisory Committee shall assist the Centre in formulating its policies and action plan and overseeing implementation of the decisions of the Centre with regard to such matters.

(2) The composition of the Policy Advisory Committee shall be as follows, namely: -

- (i) one Member of the Centre to be nominated by the Centre;
- (ii) a representative of the Department of Legal Affairs in the Ministry of Law and Justice;
- (iii) Chief Executive Officer; and
- (iv) Registrar.

[F. No. A-60011/48/-2022-NDIAC]

Dr. RAJIV MANI, Addl. Secy.

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ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-19**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 39 ಕೇನಿಪು 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10.01.2024.  
ದಿನಾಂಕ: 25.10.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Goods and Services Tax Appellate  
Tribunal (Appointment and Conditions of Service of President and Members) Rules, 2023ರ  
Notification-GSR 793(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು  
ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF FINANCE**

**(Department of Revenue)**

**NOTIFICATION**

New Delhi, the 25<sup>th</sup> October, 2023

**G.S.R.793(E).**— In exercise of the powers conferred by section 110 read with section 164 of the Central Goods And Services Tax Act, 2017 (12 of 2017) and in supersession of the Goods and Services Tax Appellate Tribunal (Appointment and Conditions of Service of President and Members) Rules, 2019 except as respects things done or omitted to be done before such supersession, the Central Government, on the recommendations of the Council, hereby makes the following rules, namely:-

**CHAPTER I  
PRELIMINARY**

**1. Short title, commencement and application.**— (1) These rules may be called the Goods and Services Tax Appellate Tribunal (Appointment and Conditions of Service of President and Members) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) These rules shall apply to the President, Judicial Member, Technical Member (Centre) and Technical Member (State) of the Principal Bench and State Bench of Goods and Services Tax Appellate Tribunal.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires, —

- (a) “Act” means the Central Goods And Services Tax Act, 2017 (12 of 2017);
- (b) “Committee” means the Search-cum-Selection Committee constituted under clause (a) or clause (b) of sub-section (4) of section 110 of the Act;
- (c) “Form” means a Form appended to these rules;
- (d) “Member” means a Technical Member (Centre) or Technical Member (State) or Judicial Member of the

Goods and Services Tax Appellate Tribunal;

(e) “section” means a section of the Act;

(f) “Tribunal” means Goods and Services Tax Appellate Tribunal constituted under section 109 of the Act.

(2) Words and expressions used herein and not defined but defined in the Act shall have the same meaning as respectively assigned to them in the Act.

## CHAPTER II

### APPOINTMENT OF PRESIDENT AND MEMBER

#### 3. Selection for posts of President and Members—

(1) The Committee may cause a vacancy circular to be issued through the Member-Secretary, giving details of the posts of Members proposed to be filled up, including the following—

(a) number of existing and anticipated vacancies;

(b) qualifications;

(c) salary and allowances;

(d) format for application; and

(e) last date for filing of applications,

in Form-I after making such modifications as may be deemed fit by the Committee.

(2) The Committee shall scrutinise, or cause to be scrutinised, every application received in response to the circular, against the qualifications and may shortlist such number of eligible candidates for personal interaction as it may deem fit.

(3) For the post of President, the Committee may, either cause a vacancy circular to be issued and call for applications or search for suitable persons eligible for appointment and make an assessment for selection to the post of President.

(4) The Committee shall make its recommendations based on the overall assessment of eligible candidates including assessment through the personal interaction after taking into account the suitability, record of past performance, integrity as well as adjudicating and experience keeping in view the requirements of the Tribunal and shall recommend a panel of two names for every post for which selection is being done in accordance with the provisions of sub-section (6) of section 110 of the Act.

**4. Selection for re - appointment.**— (1) An application for re-appointment shall be considered in the same manner as that for the original appointment, along with the applications of all other persons in response to the vacancy circular.

(2) While making its assessment for suitability to a post, the Committee shall give additional weightage to persons seeking re-appointment on the basis of their experience in the Tribunal and while doing so, shall take into account, the performance of the person while working as a President or Member in the Tribunal.

**5. Medical fitness of President and Members.**—(1) No person shall be appointed as President, Judicial Member or Technical Member (Centre) of the Principal Bench or the State Bench of the Tribunal or as Technical Member (State) of the Principal Bench unless he is declared medically fit by an authority specified by the Central Government in this behalf.

(2) No person shall be appointed as Technical Member (State) of the State Bench of the Tribunal unless he is declared medically fit by an authority specified in this behalf by the State in which the said State Bench is located.

**6. Retirement from parent service on appointment as President or Member.**— Where, the person appointed as President or Member is a serving Judge of the Supreme Court or a High Court or a serving Member of an organised Service, he shall either resign or obtain voluntary retirement before joining the Tribunal.

### CHAPTER III

#### REMOVAL OF PRESIDENT OR MEMBER

**7. Procedure for inquiry into complaints.**— (1) Where a written complaint alleging any definite charge of the nature referred to in sub-section (12) of section 110 of the Act in respect of President or Member is received by the Central Government, it shall make a preliminary scrutiny of such complaint.

(2) Where, on preliminary scrutiny, the Central Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any allegation referred to in sub-rule (1), it shall make a reference to the concerned Committee.

(3) The said Committee shall conduct an inquiry or cause an inquiry to be conducted by a person who is, or has been, a -

(a). Judge of Supreme Court or Chief Justice of a High Court, where the inquiry is against the President; or

(b). Judge of a High Court, where the inquiry is against a Member.

(4) The inquiry shall be completed within such time or such further time as may be specified by the Central Government preferably within six months.

(5) After the conclusion of the inquiry, the Committee shall submit its report to the Central Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.

(6) The Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

### CHAPTER IV

#### SALARY AND ALLOWANCES

**8. Salary.**— (1) The President of the Tribunal shall, be paid a salary of rupees two lakh fifty thousand (fixed) per month.

(2) The Member shall be paid a salary of rupees two lakh twenty-five thousand per month.

(3) In case, a person appointed as the President, or Member, is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him.

**9. Allowances.**— (1) The President and Member shall be entitled to draw allowances and benefits as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

(2) Notwithstanding anything contained in sub-rule (1), the President or Members shall have option to avail of accommodation to be provided by the Central Government as per the rules for the time being in force or shall be eligible for reimbursement of house rent subject to a limit of -

(a) rupees one lakh fifty thousand per month in case of President of the Tribunal; and

(b) rupees one lakh twenty-five thousand per month in case of Members of the Tribunal.

**10. Transport allowance.**— The President, or a Member shall be entitled to the facility of staff car for journeys for official and private purposes at the same terms and conditions as applicable to a Government of India officer holding Group 'A' post carrying the same pay.

### CHAPTER V

#### PENSION, PROVIDENT FUND, GRATUITY AND LEAVE

**11. Pension, Provident Fund and Gratuity.**— Pension, Provident Fund and gratuity shall not be admissible for the service rendered in the Tribunal.

**12. Leave.**— (1) The President or Member shall be entitled to thirty days of earned leave for every year of service.

(2) Casual Leave not exceeding eight days may be granted to the President and a Member in a calendar year.

(3) The payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972.

(4) The President or Member shall be entitled to encashment of leave in respect of the earned Leave standing to his credit, subject to the condition that maximum leave encashment, including the amount received at the time of

retirement from previous service shall not in any case exceed the prescribed limit under the Central Civil Service (Leave) Rules, 1972.

- (5) Leave sanctioning authority for-
  - (a). Member, shall be the President;
  - (b). President or Member in case of absence of President, shall be the Central Government.
- (6) The Central Government shall be the sanctioning authority for foreign travel to the President and Members.

## CHAPTER VI

### POWERS OF PRESIDENT AND VICE PRESIDENT

**13. Powers of President.** - The President shall exercise the powers of Head of the Department for the purpose of:-

- (a) Delegation of Financial Power Rules, 1978;
- (b) General Financial Rules, 2017;
- (c) Fundamental Rules and Supplementary Rules; and
- (d) Central Civil Services (Classification, Control and Appeal) Rules, 1965

**14. Powers of Vice-President:** - The Vice-President shall exercise the powers of the President provided under section 114 of the Act for the relevant State Benches for the purpose of:-

- (a) allocation of appeals amongst members within a bench under his jurisdiction;
- (b) deciding the appeals to be heard by Single Member as per provisions of the Act;
- (c) transfer of appeals amongst the State Benches within his jurisdiction;
- (d) refer cases under clause (a) of sub-section (9) of section 109 of the Act to a Member in a State Bench within his jurisdiction;
- (e) such other administrative and financial powers as may be assigned by the President by a general or special order.

## CHAPTER VII

### MISCELLANEOUS

**15. Declaration of Financial and other Interests.**— The President or the Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

**16. Other conditions of service.**— (1) The terms and conditions of service of a President or Member with respect to which no express provision has been made in these rules, shall be such as are admissible to a Government of India officer holding Group 'A' post carrying the same pay.

(2) The President, or Member shall not undertake any arbitration assignment while functioning in these capacities in the Tribunal.

(3) The President, or Member of the Tribunal, shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the Tribunal:

Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).

**17. Oath of office and secrecy.** — Every person appointed to be the President, or Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Form II and Form III annexed to these rules.

**18. Power to relax:-** Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, on the recommendations of the Council, by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

**19. Interpretation.**- If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon, on the recommendations of the Council, shall be final

**FORM I**

(See rule 3)

[Format for vacancy circular including the format for application]

F. No. \_\_\_\_\_.

Government of India

Ministry of \_\_\_\_\_.

Department of \_\_\_\_\_.

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**Vacancy Circular**

Room No. \_\_\_\_\_ New Delhi-110001

Dated, the \_\_\_\_\_

**Subject: - Selection for the posts of President/Member in \_\_\_\_\_ Tribunal-reg.**

\*\*\*\*\*

- Tribunal:** - The Goods and Services Tax Appellate Tribunal is an Appellate Authority established under \_\_\_\_\_ the Central Goods And Services Tax Act, 2017 \_\_\_\_\_ to hear various appeals under the \_\_\_\_\_ Act, \_\_\_\_\_ .Principal Bench is situated at New Delhi \_\_\_\_\_ and its state Benches are situated at \_\_\_\_\_ .A Member, upon selection, may be posted at any of these places.
- Vacancy:** - Applications are being invited for the following existing and \_\_\_\_\_ anticipated vacancies:

Post	Place	Date of Vacancy

- Qualification:-** The qualifications, eligibility, salary and other terms and conditions of the appointment of a candidate will be governed by the provisions of the of Central Goods And Services Tax Act, 2017 and Goods and Services Tax Appellate Tribunal (Appointment and Conditions of Service of President and Members) Rules, 2023.
- Procedure for selection:** - The Search-Cum-Selection Committee constituted under the clause (a) of sub-section 4 of section 110 for the posts of Technical Member (State) of the State Bench and under clause (b) of sub-section (4) of the said section of Central Goods And Services Tax Act, 2017 for the posts of President and other Members shall recommend names for appointment to the said post/s and shall scrutinise the applications with respect to suitability of application for the posts by giving due weightage to qualification and experience of candidates and shortlist candidates for conducting personal interaction. The final selection will be done on the basis of overall evaluation of candidates done by the Committee based on the qualification, experience and personal interaction.
- Application Procedure:-** Applications by eligible and willing officers are to be submitted through proper channel(whenever applicable) and should be accompanied with (i) bio-data in the proforma at Annexure-I (ii) Certificate to be furnished by the employer/ head of office/ forwarding authority as in Annexure-II (iii) clear photocopies of the up-to-date CR/APAR dossier of the officer containing CR/APARs of at least last five years duly attested by a Group A officer (iv) cadre clearance (v) integrity certificate/clearance from vigilance and disciplinary angle as in Annexure-III (vi) statement giving details of major or minor penalties, if any, imposed on the officer during the last ten years, to the following address, so as to reach this office latest by.—

[Name and Address]

Applicants can Log on to <https://.....> to access the home page of the Online Application to apply (wherever applicable).

- No TA/DA will be admissible to the candidates to be called for interview/interaction. The candidates are required to make own arrangements.
- Advertisement and Prescribed application form can be downloaded from Ministry's/Tribunals website (name of the website) \_\_\_\_\_.
- Any application received after due date or without necessary Annexure as mentioned above will not be entertained.



Wide publicity may be given in all organizations and their field formations to facilitate early and optimum number of application.

(Name of the Signing Officer)

Under Secretary to the Govt. of India/Director

**Annexure-I**

**PROFORMA**

Space for  
photograph  
duly signed by  
candidate

Name :

1. Name
2. Date of Birth :
3. Category (SC/ST/OBC/UR) :
4. Designation/Profession :
5. Contact Details :

	Residential		Official
	Present	Permanent	
Address:			
Mobile/Phone No.			
Email:			

6. Cadre/Service [Wherever applicable] :

7. Educational qualification (in reverse chronological order):

Sl. No.	Name of University/ Equivalent Institution	Degree	Year passing	of Division/ % of marks obtained	Academic Distinction	Subject/ Specialization

8 Work Experience:

8A. For the experience as employee, Employment record in chronological order starting with present Employment, list in reverse:

(a) For the post of Technical Member (Centre) and Technical Member (State) .

Sl. No.	Name & address of employer (Govt./PSU/Ministry/	Designation, Pay or Scale of pay (Pay in Pay Matrix)	Period of Service	Nature of work/ experience*	Whether the said service is Group A or equivalent to Group A

	Department/any other		From	To		

\* Please specify whether the said work involves administration of an existing law (as defined in clause (48) of section (2) of the Central Goods and Services Tax Act, 2017) or the goods and services tax in the Central Government in respect of post of Technical Member (Centre) or whether the work involves administration of an existing law or the goods and services tax or in the field of finance and taxation in the State Government in respect of post of Technical Member (State).

Also specify whether the said works involves judicial/ quasi-judicial functions.

(b) For the post of President and Judicial Member

Sl. No.	Name & address of employer (Govt./Court/any other)	Designation, Pay or Scale of pay (Pay in Pay Matrix)	Period of Service		Nature of work/ experience*
			From	To	

• Please specify whether the said work involves Judicial or Quasi-Judicial /Criminal/Civil /Taxation /Company Affairs/or any other as may be applicable.

8. Write up on adjudicating experience

:of the applicant (200 words)

[Wherever applicable]

9. Mention :

a. Whether minimum three years of experience is there : (Yes/No. If yes, provide details thereof )  
in the administration of an existing law or goods and  
services tax in the Central Government for the post of  
Technical Member (Centre)

b. Whether minimum three years of experience is there : (Yes/No. If yes, provide details thereof )  
in the administration of an existing law or goods and  
services tax or in the field of finance and taxation  
in the State Government for the post of  
Technical Member (State)

c. Any experience in handling such cases involving : (Brief Writeup)  
interpretation of goods and services tax law or an  
existing law for the posts of Judicial Member

12. Write up on 05, major achievement

:(200 words each)

13. Awards/honours/Publications, if any :

14. Affiliation with the professional bodies/

:Institutions/societies/or any other body

Including political party.

15. Additional information, if any, which :

You would like to mention in support of the application for the post.

#### **DECLARATION**

1. I certify that the foregoing information is correct and complete to the best of knowledge and belief and nothing has been concealed/distorted. If at any time I found to have concealed/distorted any material information; my

appointment shall be liable to summary termination without notice.

2. I shall not withdraw my candidature after the meeting of the Selection Committee.
3. I shall not decline the appointment, if selected for appointment by the Appointment Committee of Cabinet.
4. I shall join within 30 days from the date of issue of order of appointment.
5. I am aware that in case I violate any of the conditions mentioned at SI.No.2 to 4, the Government of India is likely to debar me for a period of three years for consideration for appointment outside the cadre and in any Autonomous Body/Statutory Body/Regulatory Body.

Date

Place

Signature of the Candidate

## **Annexure-II**

### **CERTIFICATE TO BE FURNISHED BY THE EMPLOYER/HEAD OF OFFICE/FORWARDING AUTHORITY**

1. Certified that the particular furnished by Shri/Smt/Kum are correct and he/she possesses educational qualifications and experience mentioned in Annexure-I.
2. It is also certified that there is no vigilance/ disciplinary case either pending or being contemplated against him/her and vigilance clearance issued by competent Authority in the enclosed Annexure (III).
3. His/her integrity is certified.
4. No major or minor penalty was imposed on Shri/Smt/Kum during the last 10 years period.
5. The up-to-date attested Photostat copies of Annual Confidential Report/Annual Performance Appraisal Report of last 5 years (each Photostat copy of Annual Confidential Report/Annual Performance Appraisal Report should be attested) in respect of Shri/Smt/Kum-----are enclosed herewith.

Seal & Signature of the cadre controlling Authority

## **Annexure-III**

### **PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE CLEARANCE IS BEING SOUGHT**

(To be furnished and signed by the competent authority or HOD)

1. Name of the Officer (in full) :
2. Father's name :
3. Date of Birth :
4. Date of Retirement :
5. Date of entry into service :
6. Service to which the officer belongs including batch /year/ cadre etc. ,  
wherever applicable :
7. Positions held (During ten preceding years) :

S. No	Organisation (name in full)	Designation & Place of Posting	Administrative/Nodal Ministry/ Department concerned(in case of officers of PSUs etc.)	From	To

8. Whether the officer has been placed on the agreed list or list of Officer of Doubtful Integrity (if yes, details to be given) :
9. Whether any allegation of misconduct Involving vigilance angle was :

examined against the officer  
during the last 10 Years and if so  
with what result (\*)

10. Whether any punishment was awarded to  
the officer during the last 10 years and if  
so, the date of imposition and details of penalty (\*) :
11. Is any disciplinary/ criminal proceedings  
or charge sheet pending against the  
officer as on date (if so, details to be furnished) :
12. Is any action contemplated against the :  
Officer as on date (if so,  
details to be furnished (\*)

(\*) If vigilance clearance had been obtained in the past, the information may be provided for the period thereafter,  
Date:

(NAME AND SIGNATURE)

## FORM II

(See rule 17)

### Form of Oath of Office for President/ Member

I, A. B., having been appointed as President/Member of the Goods and Service Tax Appellate Tribunal, do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the President/ Member of the Appellate Tribunal to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will.

## FORM III

(See rule 17)

### Form of Oath of Secrecy for President/Member

I, A. B., having been appointed as the President/Member of the Goods and Service Tax Appellate Tribunal, do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President/ Member of the Appellate Tribunal except as may be required for the due discharge of my duties as the President/Member.

[F. No A-50050/69/2023-CESTAT-DOR]

MANOJ KUMAR SINGH, Director.

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-20**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 40 ಕೇನಿಪ್ರ 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10.01.2024.  
ದಿನಾಂಕ: 27.10.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Limited Liability Partnership (Third  
Amendment) Rules, 2023ರ Notification-GSR 803(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ  
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

## MINISTRY OF CORPORATE AFFAIRS

## NOTIFICATION

New Delhi, the 27th October, 2023

**G.S.R. 803(E).**—In exercise of the powers conferred by sub-sections (1) and (2) of section 79 of the Limited Liability Partnership Act, 2008 (6 of 2009), the Central Government hereby makes the following rules further to amend the Limited Liability Partnership Rules, 2009, namely: -

**1. Short title and commencement-** (1) **These rules may be called the Limited Liability Partnership (Third Amendment) Rules, 2023.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Limited Liability Partnership Rules, 2009 (hereinafter referred to as the said rules), after rule 22, the following rules shall be inserted, namely:-

**“22A. Register of Partners.- (1) Every limited liability partnership shall, from the date of its incorporation, maintain a register of its partners in Form 4A which shall be kept at the registered office of the limited liability partnership:**

Provided that in the case of limited liability partnership existing on the date of commencement of the Limited Liability Partnership (Third Amendment) Rules, 2023, shall maintain the register of partners in Form 4A within thirty days from such commencement.

(2) The register of partners shall contain the following particulars, in respect of each partner, namely:-

- (a) name of the partner; address (registered office address in case the member is a body corporate); e-mail address; Permanent Account Number or Corporate Identification Number; Unique Identification Number, if any; father or mother or spouse's name; occupation; status; Nationality; name and address of nominee;
- (b) date of becoming partner;
- (c) date of cessation;
- (d) amount and nature of contribution (indicating tangible, intangible, movable, immovable or other benefit to the limited liability partnership, including money, promissory notes, other agreements to contribute cash or property, and contracts for services performed or to be performed) with monetary value; and
- (e) any other interest, if any,

(3) The entries in the register maintained under this rule shall be made within seven days pursuant to any change made in the contribution amount, or in name and details of the partners in the Limited Liability Partnership agreement, or in cases of cessation of partnership interest.

(4) If any rectification is made in the register maintained under this rule by the Limited Liability Partnership pursuant to any order passed by the competent authority under any law, the necessary reference of such order shall be indicated in the respective register and for reasons to be recorded in writing.

**22B. Declaration in respect of beneficial interest in any contribution.-**

- (1) A person whose name is entered in the register of partners of a Limited Liability Partnership but does not hold any beneficial interest fully or partly in contribution (hereinafter referred to as “the registered partner”), such person shall file with the Limited Liability Partnership, a declaration to that effect in Form 4B within a period of thirty days from the date on which his name is entered in the register of partners specifying the name and other particulars of the person who actually holds any beneficial interest in such contributions:

Provided that where any change occurs in the beneficial interest in such contribution, the registered partner shall, within a period of thirty days from the date of such change, make a declaration of such change to the limited liability partnership in Form 4B.

- (2) Every person who holds or acquires a beneficial interest in contribution of a Limited Liability Partnership but his name is not registered in the register of partners (hereinafter referred to as “the beneficial partner”) shall file with Limited Liability Partnership, a declaration disclosing such interest in Form 4C within a period of thirty days after acquiring such beneficial interest in the contribution of the Limited Liability Partnership specifying the nature of his interest, particulars of the partner in whose name the contribution stand registered in the books of the limited liability partnership:

Provided that where any change occurs in the beneficial interest in such contribution, the beneficial partner shall, within a period of thirty days from the date of such change, make a declaration of such change to the limited liability partnership in Form 4C.

Provided further that if the beneficial interest of registered partner is limited to the contribution stated against his name in the register of partners but he does not hold beneficial interest in contribution against any other registered partner, then, he shall not be required to file such declaration.

- (3) Where any declaration under sub-rule (1) or sub-rule (2) is received by the Limited Liability Partnership, the Limited Liability Partnership shall record such declaration in the register of partners and shall file, within a period of thirty days from the date of receipt of declaration by it, a return in Form 4D to the Registrar in respect of such declaration with fees.”
- (4) Every Limited Liability Partnership shall specify a designated a partner who shall be responsible for furnishing of and extending co-operation for providing, information with respect to beneficial interest in contribution in Limited Liability Partnership to the Registrar or any other officer authorised by the Central Government and shall file information of such designated partner with the Registrar in Form 4:

Provided that until a designated partner is specified under sub-rule (4), every designated partner shall be deemed to be responsible for furnishing of, and extending co-operation for providing, information with respect to beneficial interest in contribution under this sub-rule.

3. For “Form 4”, the following Forms shall be substituted, namely: -



सत्यमेव जयते

**LLP Form No.4****Form language**
☒ English ☐ Hindi

**Notice of appointment, cessation, change in name/ address/designation of a designated partner or partner and consent to become a partner/designated partner/declaration of designated partner with respect to beneficial interest**

**[Pursuant to rule 8, 10(3), 22(2), 22(3) and 22B (4) of Limited Liability Partnership Rules, 2009]**

Refer instruction kit for filing the form

All fields marked in \* are mandatory.

1(a) \*Limited Liability Partnership identification number (LLPIN)

(b) \*Name of the Limited Liability Partnership (LLP)

(c) \*Address of the registered office of the LLP

(d) \*Email ID

2 (a) \*Number of individual designated partner(s) for which this form is being filed

(b) \*Number of bodies corporate and their Nominees as designated partners for which this form is being filed

(c) \*Number of individual partner(s) for which this form is being filed

(d) \*Number of bodies corporate as partners and their nominees for which this form is being filed

(e) \*Total number of partner(s)/ designated partner(s) for which the form is being filed.

**3 Details of individual designated partner(s) for which this form is being filed**

(a) The form is being filed for

☐ Appointment

☐ Cessation

☐ Change in designation

☐ Declaration

(b) Date of Event (dd/mm/yyyy)

(c) Changed designation (Category)

(d) In case of change in designation to Designated Partner, DPIN/ Income-tax PAN/ Passport number of partner

(e) Designated partner identification number (DPIN)



(f) Name	<input style="width: 90%;" type="text"/>
(g) Whether resident of India	Yes <input type="radio"/> No <input type="radio"/>
(h) Number of LLP(s) in which he/she is a partner	<input style="width: 90%;" type="text"/>
(i) Number of company(s) in which he/she is a director	<input style="width: 90%;" type="text"/>
(j) I shall be held responsible for furnishing and extending co-operation for providing information with respect to beneficial interest in contribution in the LLP <input type="radio"/> Yes <input type="radio"/> No	

#### 4 Details of bodies corporate and their nominees as designated partners for which this form is being filed

(a) The form is being filed for

- ☐ Appointment
 ☐ Cessation
 ☐ Change in Designation
 ☐ Change in Nominee  
☐ Change in address of body corporate
 ☐ Change in name of body corporate
 ☐ Declaration

(b) Date of Event (dd/mm/yyyy)

(c) Type of body corporate

 ▼

(LLP/ Foreign LLP/ Company/ Foreign Company/ LLP incorporated outside India (LIOI)/ Company incorporated outside India (CIOI))

(d) Corporate identification number (CIN) or Foreign company registration

number (FCRN) or Limited liability partnership identification number (LLPIN) or Foreign limited liability partnership identification number (FLLPIN) or any other identification number

(e) Name of body corporate

**Proof of change in Name of body corporate**

Max 2 MB

Choose File

Remove

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(f) Country where registered

 ▼

(g) Full address of registered office or principal place of business in India

Address Line I

Address Line II

Country

 ▼

Pin code

Area/Locality

 ▼

City

District

State/UT

**Jurisdiction of Police Station**

Proof of change in address of body corporate

(h) Phone

(i) E-mail ID

(j) Previous name, address of the body corporate

Name and particulars of the person signing on behalf of the body corporate as nominee

(k) DPIN

(l) Name

(m) Whether resident of India

☐ Yes ☐ No

(n) Designation &amp; Authority in body corporate

(o) Changed designation (Category)

(p) DPIN/ PAN/ Passport number of the previous nominee

(q) Name of the previous nominee

(r) I shall be held responsible for furnishing and extending co-operation for providing information with respect to beneficial interest in contribution in the LLP ☐ Yes ☐ No**5 Details of individual partner(s) for which this form is being filed**

(a) The form is being filed for

☐

Appointment

☐

Cessation

☐

Change in Name of Partner

☐

Change in designation

☐

Change in address

\*In case user is having DIN/DPIN then file DIR-6 for any changes in name/Address. For all other partners, file the changes through Form 4

(b) Date of Event (dd/mm/yyyy)

(c) ☐ Income tax permanent account number (Income-tax PAN)☐

Passport Number

☐

DPIN

(d) Income tax permanent account number (Income-tax PAN) or Passport Number or DPIN

[Verify income-tax PAN/ Pre-Fill](#)

(e) Name of partner

First name

Middle name

**Last name**

Proof of change in Name of partner

Max 2 MB

Choose File

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(f) Father's Name

First name

Middle name

Last name

(g) Permanent Residential Address

Address Line I

Address Line II

**Country**

Pin Code/Zip Code

**Area/Locality**

City

District

State/UT

**Jurisdiction of Police Station**

Proof of change in permanent residential address

Max 2 MB

Choose File

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(h) Whether present residential address is same as the permanent residential address

☐

Yes

☐

No

(i) If no, present residential address

Address Line I

Address Line II

Country

<b>Pin Code/Zip Code</b>	<input type="text"/>
Area/Locality	<input type="text"/> ▼
City	<input type="text"/>
<b>District</b>	<input type="text"/>
<b>State/UT</b>	<input type="text"/>
Jurisdiction of Police Station	<input type="text"/>
Proof of change in present residential address	<div>Max 2 MB</div> <div>Choose File Remove Download</div>
(j) Phone	<input type="text"/>
(k) Mobile	<input type="text"/>
(l) Email ID	<input type="text"/>
(m) Previous name/ previous address	<input type="text"/>
(n) Whether resident in India	<input type="radio"/> Yes <input type="radio"/> No
<b>(o) Nationality</b>	<input type="text"/> ▼
(p) Date of Birth (dd/mm/yyyy)	<input type="text"/>
(q)(i) Occupation type (Self Employed/ Professional/ Homemaker/ Student/ Serviceman)	<input type="text"/> ▼
(q)(ii) Area of occupation (Government/ Teaching/ Others)	<input type="text"/> ▼
(q)(iii) If 'others' selected, please specify	<input type="text"/>
(r) Changed designation (Category)	<input type="text"/>
(s) Number of LLP(s) in which he/she is a partner	<input type="text"/>
(t) Number of company(s) in which he/she is a director	<input type="text"/>

**6 Details of bodies corporate as partners and their nominees for which this form is being filed**

(a)\*The form is being filed for

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> Appointment                         | <input type="checkbox"/> Cessation                 | <input type="checkbox"/> Change in Nominee                | <input type="checkbox"/> Change in Designation |
| <input type="checkbox"/> Change in address of body corporate | <input type="checkbox"/> Change in name of nominee | <input type="checkbox"/> Change in name of body corporate |  |
| <input type="checkbox"/> Change in address of nominee        |  |   |  |

(b) Date of Event (dd/mm/yyyy)

(c) Type of body corporate

(LLP/ Foreign LLP/ Company/ Foreign Company/ LLP incorporated outside India (LIOI)/ Company incorporated outside India (CIOI/ Others)

(d) CIN or FCRN or LLPIN or FLLPIN or any other identification number

(e) Name of body corporate

Proof of change in name of body corporate

Max 2 MB

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(f) Country where registered

(g) Full address of registered office

Address Line I

Address Line II

Country

Pin Code/Zip Code

**Area/Locality**

City

District

**State/UT**

Jurisdiction of Police Station

Proof of change in address of body corporate

Max 2 MB

Choose File

Remove

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(h) Phone

(i) Email ID

(j) Previous name/ previous address

(k) Name and particulars of the person signing on behalf of the body corporate as nominee

(l)\* ☐ Income tax permanent account number (Income-tax PAN)

☐ Passport Number

☐ DPIN

(m) Income tax permanent account number (Income-tax PAN) or Passport Number or DPIN

Verify income-tax PAN/ Pre-Fill

(n) Name of Nominee

First name

Middle name

Last name

Proof of change in Name of Nominee

Max 2 MB

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(o) Father's Name

First name

Middle name

Last name

(p) Permanent Residential Address

Address Line I

Address Line II

**Country**

Pin Code/Zip Code

**Area/Locality**

**City**

**District**

State/UT

**Jurisdiction of Police Station**

Proof of change in address of nominee

Max 2 MB

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(q) Whether present residential address is same as the permanent residential address

☐

Yes

☐

No

(r) If no, present residential address

Address Line I

Address Line II

Country	<input type="text"/>	<input type="button" value="▼"/>
Pin Code/Zip Code	<input type="text"/>	
<b>Area/Locality</b>	<input type="text"/>	<input type="button" value="▼"/>
City	<input type="text"/>	
District	<input type="text"/>	
State/UT	<input type="text"/>	
<b>Jurisdiction of Police Station</b>	<input type="text"/>	
Proof of change in address of Nominee	<input type="text" value="Max 2 MB"/> <input type="button" value="Choose File"/> <input type="button" value="Remove"/> <input type="button" value="Download"/>	
(s) Phone	<input type="text"/>	
(t) Mobile	<input type="text"/>	
(u) Email ID	<input type="text"/>	
(v) Previous name/ previous address	<input type="text"/>	
(w) Whether resident in India	<input type="radio"/> Yes <input type="radio"/> No	
<b>(x) Nationality</b>	<input type="text"/>	<input type="button" value="▼"/>
(y) Date of Birth (dd/mm/yyyy)	<input type="text"/>	
(z)(i) Occupation type (Self Employed/ Professional/ Homemaker/ Student/ Serviceman)	<input type="text"/>	<input type="button" value="▼"/>
(z)(ii) Area of occupation (Government/ Teaching/ Others)	<input type="text"/>	<input type="button" value="▼"/>
(z)(iii) If 'others' selected, please specify	<input type="text"/>	
(aa) Designation & Authority in body corporate	<input type="text"/>	
(ab) Changed designation (Category)	<input type="text"/>	
(ac) Income-tax PAN/ passport number/ DPIN of the previous nominee	<input type="text"/>	
(ad) Name of the previous nominee	<input type="text"/>	

---

**Attachments**

(a) Consent to become a partner/ designated partner	<input type="text" value="Max 2 MB"/> <input type="button" value="Choose File"/> <input type="button" value="Remove"/> <input type="button" value="Download"/>
(b) Related Entity Details	<input type="text" value="Max 2 MB"/> <input type="button" value="Choose File"/> <input type="button" value="Remove"/> <input type="button" value="Download"/>
(c) Evidence of cessation	<input type="text" value="Max 2 MB"/> <input type="button" value="Choose File"/> <input type="button" value="Remove"/> <input type="button" value="Download"/>

(d) Where the appointed partner is a body corporate, copy of resolution on the letterhead of such body corporate to become a partner in the proposed LLP and a copy of resolution/ authorization of such body corporate also on letterhead mentioning the name and address of an individual nominated to act as nominee/ designated partner on its behalf.

Max 2 MB

Choose File

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(e) Optional attachment (if any)

Max 2 MB

Choose File

Remove

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**Statement**

\* ☐ To the best of my knowledge and belief, the information given in this form and its attachments is correct and complete

\* ☐ I, being a designated partner of the LLP, am authorised to sign and submit this form

\*To be digitally signed by a designated partner

DSC BOX

\* DPIN of the Designated Partner

**Certificate by practicing professional**

\* It is hereby certified that I have verified the above particulars (including attachment(s)) from the records of

and found them to be true and correct. I further certify that all the required

attachment(s) have been completely attached to this form.

\* Category

☐ Chartered accountant (in whole time practice)

☐ Cost accountant (in whole time practice)

☐ Company secretary (in whole-time practice)

\* Whether associate or fellow:

☐ Associate

☐ Fellow

\*Membership number or certificate of practice number

\*Signature Field 2

DSC BOX

Save

Submit

*For office use only:*



eForm Service request number (SRN)

eForm filing date (dd/mm/yyyy)

This e-Form is hereby registered

Digital signature of the authorizing officer

DSC BOX

Date of signing (dd/mm/yyyy)

Or

This eForm has been taken on file maintained by the registrar through electronic mode and on the basis of statement of correctness given by the filing LLP.

*For office use only:*

eForm Service request number (SRN)

eForm filing date (DD/MM/YYYY)

**“FORM- 4A  
Register of Partners**

[Pursuant to section 23 of Limited Liability Partnership Act, 2008 and rule 22A of the Limited Liability Partnership Rules, 2009]

LLPIN:

Name of the LLP:

Registered Office Address:

S. N.	Personal details of the Partner			
1	Name of the Partner:			
2	Corporate Identification Number, / Registration No.:			
3	Unique Identification No:			
4	Address/ Registered address (in case of body corporate):			
5	E-mail Id:			
6	Father's/ Mother's/ Spouse's name:			
7	Status:			
8	Occupation:			
9	PAN No.:			
10	Whether citizen of India (Yes/No)			
11	Nationality:			
<b>Details of Partnership:</b>				
13	Date of becoming partner:			
		As on date	As on date	As on date
13A	SRN number and date of filing e-form-3 intimating the information about the partner			
14*	<u>Form of Contribution, specify monetary values:</u>			
(i)	<u>Cash -</u>			
(ii)	<u>Bank -</u>			
(iii)	<u>Promissory Notes -</u>			
(iv)	<u>Other benefits contributed/ to be contributed under any Contract/agreement -</u>			
(v)	<u>Tangible assets:</u>			
(vi)	<u>Immovable Property -</u>			
	<u>Movable Property -</u>			
	<u>Intangible Assets:</u>			

15*	Total amount of contribution:			
16*	% share in total contribution:			
17*	% change in total contribution by effect of admission of Partner:			
18*	% change in total contribution by effect of retirement/ expulsion/ insolvency of partner:			
<b>Details of Beneficial Ownership:</b>				
19	Date of declaration under rule 22B of Limited Liability Partnership Rules, 2009, if applicable:			
20	Name and address of beneficial partner:			
21	Amount of contribution by beneficial partner:			
<b>Details of Nominee:</b>				
22	Date of receipt of nomination, if applicable:			
23	Name and address of nominee:			
<b>Details of Cessation:</b>				
24	Date of cessation of partnership:			
25	Reason of cessation of partnership:			
26	Name of transferee, if any			
26A	SRN number and date of filing E-form-3 intimating the information about the partner			
Remarks, if any				
27	<b>Authentication/ signature:</b>			

\*Note: Whenever there is change in agreement or beneficial interest, the same may be entered date-wise in the Register of member.

### FORM- 4B

#### Declaration by the Registered Partner who does not hold the beneficial interest in the Contribution [Pursuant to section 23 of Limited Liability Partnership Act, 2008 and sub-rule (1) of rule 22B of the Limited Liability Partnership Rules, 2009]

To

Name of the Limited Liability Partnership:

Registered office address:

#### 1 Particulars of the Registered Partner:

- (i) Name :
- (ii) PAN/ Unique Identification Number/ Corporate Identification Number, (in case of company/ body Corporate) :
- (iii) folio number in the register of partners

#### 2 Declaration:

In pursuance of sub-rule (1) of rule 22B of the Limited Liability Partnership Rules, 2009, I, ....., hereby declare that the person(s) named below hold(s) the beneficial interest in the Contribution of the Limited Liability Partnership amounting to Rs. .... registered in my name in the register of partners of this Limited Liability Partnership.

#### 3 Particulars of the Beneficial Partner:

- (i) Name of the beneficial Partner(s) :
- (ii) Address and E-mail id :
- (iii) Date of birth/ Age :
- (iv) Father's/ Mother's/ Spouse Name :
- (v) Occupation :
- (vi) Nationality :
- (vii) PAN/ Unique Identification number/ Corporate Identification Number (in case of company/ body Corporate) :
- (viii) Passport Number. (in case of foreign national) :

#### 4 Details of the beneficial interest:

- (i) Nature of the beneficial interest:
- (ii) Date of creation of the beneficial interest:
- (iii) Reasons for not registering contributions in the name of the beneficial partner:
- (iv) Particulars of the instrument/ document, if any, showing the creation of such beneficial interest:

#### 5 Particulars of change in beneficial interest:

- (i) Date of change:

- (ii) Nature of the change in the beneficial interest:
- (iii) Brief particulars of such change:
- (iv) Reason for such change:
- (v) Particulars of the instrument/ document, if any, showing the change in such beneficial interest:

**Date:****Place:****Signature****(Registered Partner)**

Enclosures:

1. Proof of identity of the registered partner and beneficial partner;
2. Instrument/ document under which the beneficial interest is created/ transferred/ changed.

**FORM- 4C****Declaration by the Partner who holds or acquires beneficial interest in the Contribution but whose name is not entered in the Register of Partners****[Pursuant to section 23 of Limited Liability Partnership Act, 2008 and sub-rule (2) of rule 22B of the Limited Liability Partnership Rules, 2009]**

To

Name of the Limited Liability Partnership:

Registered office address:

**1 Particulars of the Beneficial Partner:**

- (i) Name of the beneficial Partner:
- (ii) Address and E-mail id :
- (iii) Date of birth/ Age :
- (iv) Father's/ Mother's/ Spouse Name :
- (v) Occupation :
- (vi) Nationality :
- (vii) PAN/ Unique Identification number/ Corporate Identification Number (in case of company/ body Corporate) :
- (viii) Passport number (in case of foreign national) :

**2 Declaration:**

In pursuance of sub-rule (2) of rule 22B of the Limited Liability Partnership Rules, 2009, I, ....., hereby declare that I hold/ have acquired the beneficial interest in the Contribution of the Limited Liability Partnership amounting to Rs. .... which is registered in the name of the person whose particulars are furnished below:

**3 Particulars of the Registered Partner:**

- (i) Name of the registered partner :
- (ii) PAN/ Unique Identification Number/ CIN (in case of company/ body Corporate) :
- (iii) folio number in the register of partners

**4 Details of the beneficial interest:**

- (i) Date of creation / acquisition of beneficial interest:
- (ii) Mode of acquisition of beneficial interest, specify:
- (iii) Nature of the beneficial interest:
- (iv) Reasons for not registering contribution in my name:
- (v) Particulars of the instrument/ document, if any, showing the creation of such beneficial interest:

**5 Particulars of the person from whom the beneficial interest is acquired, if applicable:**

- (i) Name of the transferor of beneficial interest:
- (ii) Whether contribution was registered in his name:  
(If not, whether any declaration under sub-rule (2) of rule 22B of Limited Liability Partnership Rules, 2009 was filed by him to the Limited Liability Partnership. If so, date of such declaration)
- (iii) Particulars of the instrument/ document, if any, showing the transfer of such beneficial interest:

**6 Particulars of change in beneficial interest:**

- (i) Date of change:
- (ii) Nature of the change in the beneficial interest:
- (iii) Brief particulars of such change:
- (iv) Reason for such change:
- (v) Particulars of the instrument/ document, if any, showing the change in such beneficial interest:

**Date:**

**Place:**

Enclosures:

1. Proof of identity of the registered partner and beneficial partner;
2. Instrument/ document under which the beneficial interest is created/ transferred/ changed.

**Signature**

**(Beneficial Partner)**



-LLP Form No. 4D

**Return to the Registrar in respect of declaration of  
beneficial interest in contribution received by the LLP**  
[Pursuant to section 23 of Limited Liability Partnership Act,  
2008 and sub-rule (3) of rule 22B of the  
Limited Liability Partnership Rules, 2009]

Form language



English



Hindi

Refer instruction kit for filing the form

All fields marked in \* are mandatory

1 (a) \*Limited Liability Partnership Identification Number (LLPIN)

2 (a) \*Name of the Limited Liability Partnership (LLP)

(b) \*Address of the registered office of the LLP

(c) \*E-mail ID

3 \*Number of Registered Partners for whom the form is being filed

**Particulars of the Beneficial Interest**4 (a) \*Declarations made under which sub-rule of rule 22B of Limited Liability  
Partnership Rules, 2009

(b) \*Date of such declaration (DD/MM/YYYY)

(c) \*Date of receipt of the said Declarations by the LLP (DD/MM/YYYY)

(d) \*Amount of Contribution in respect of which beneficial interest is created (INR)

(e) Particulars of Registered Partner

\*Type of Registered Partner



Individual



Body Corporate

Body Corporate Identification Number  
(CIN/ LLPIN/ Other Registration Number)

Income Tax PAN / DPIN/ Passport Number



Income Tax PAN



DPIN



Passport Number

Income Tax PAN / DPIN/ Passport Number

\*Name of Registered Partner

\*Nationality / Country of incorporation

\*Date of birth/ Date of incorporation

\*Mobile number

Address of Registered Partner

\*Address Line 1

Address Line 2

\*Country

\*Pin code

\*Area/Locality

\*City

\*District

\*State/UT

\*Email Id

Father's Name/Mother's Name/ Spouse Name

☐

Father's Name

☐

Mother's Name

☐

Spouse Name

\*First Name

Middle Name

\*Last Name

Details of the nominee

Income Tax PAN / DPIN/ Passport Number

☐

Income Tax PAN

☐

DPIN

☐

Passport Number

Income Tax PAN / DPIN/ Passport Number

Name of nominee

\*Date of entry in the register (DD/MM/YYYY)

(f) Particulars of Beneficial Partner

\*Income Tax PAN/ Passport Number

☐

Income Tax PAN

☐

Passport Number

**\*Income Tax PAN/ Passport Number**

Verify income-tax PAN

**\*Name of Beneficial Partner****\*Nationality**

Address of Beneficial Partner

**\*Address Line 1****Address Line 2****\*Country****\*Pin code****\*Area/Locality****\*City****\*District****\*State/UT****\*Father's Name/Mother's Name/ Spouse Name**☐

Father's Name

☐

Mother's Name

☐

Spouse Name

**\*First Name****Middle Name****\*Last Name****\*Email Id****\*Date of creation / acquisition of beneficial interest (DD/MM/YYYY)****\*Nature of the beneficial interest**

## Attachments

(a) Declaration under sub-rule (1) of rule 22B of LLP Rules, 2009

Max 2 MB

Choose File

Remove

Download

(b) Declaration under sub-rule (2) of rule 22B of LLP Rules, 2009

Max 2 MB

Choose File

Remove

Download

(c) Optional attachments (if any)

Max 2 MB

Choose File

Remove

Download

**Statement**

☐ \*To the best of my knowledge and belief, the information given in this form and its attachments is correct and complete

☐ \*I, being a designated partner of the LLP, am authorised to sign and submit this form

\*To be digitally signed by a designated partner

DSC BOX

\*DPIN of the Designated Partner

Save

Submit

This eForm has been taken on file maintained by the registrar through electronic mode and on the basis of statement of correctness given by the filing LLP.

*Or*

**For office use only:**

eForm Service request number (SRN)

eForm filing date (DD/MM/YYYY)

This e-Form is hereby registered

Digital signature of the authorizing officer

DSC BOX

Date of signing (DD/MM/YYYY)

”

[F. No. Policy-01/2/2021-CL-V-MCA-Part(2)]

INDER DEEP SINGH DHARIWAL, Jt. Secy.

**Note.-** The principal rules, were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide number G.S.R. 229 (E), dated the 1<sup>st</sup> April, 2009, and last amended, vide number G.S.R. 644 (E) dated the 1<sup>st</sup> September, 2023.



ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-21**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 41 ಕೇನಿಪು 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10.01.2024.  
ದಿನಾಂಕ: 09.11.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Limited Liability Partnership  
(Significant Beneficial Owners) Rules, 2023ರ Notification-GSR 832(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ  
ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF CORPORATE AFFAIRS**

**NOTIFICATION**

New Delhi, the 9th November, 2023

**G.S.R. 832(E).**—In exercise of the powers conferred by section 79 of the Limited Liability Partnership Act, 2008 (6 of 2009), the Central Government hereby makes the following rules, namely :-

**1. Short title and commencement.**- (1) These rules may be called the Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Applicability.**- The provisions of these rules shall apply to any Limited Liability Partnership.

**3. Definitions.**- (1) In these rules, unless the context otherwise requires,-

- (a) “Act” means the Limited Liability Partnership Act, 2008 (6 of 2009);
- (b) “Annexure” means the Annexure to these rules;
- (c) “control” shall include the right to appoint majority of the designated partners or to control the management or policy decisions exercisable by a person or persons acting individually or in concert, directly or indirectly, including by virtue of their contribution or management rights or limited liability partnership agreements or other agreements or in any other manner;
- (d) “fees” means the fees as specified in the Limited Liability Partnership Rules, 2009;
- (e) “Form” or “e-form” means a form set forth in the Annexure to these rules;
- (f) “majority stake” means;-
  - (i) holding more than one-half of the equity share capital in the body corporate; or
  - (ii) holding more than one-half of the contribution in a partnership entity; or
  - (iii) holding more than one-half of the voting rights in the body corporate; or
  - (iv) having the right to receive or participate in more than one-half of the distributable dividend or distributable profits or any other distribution by the body corporate including a partnership entity as the case may be;
- (g) “notification” means the notification number G.S.R. 110 (E), dated the 11th February, 2022;
- (h) “partnership entity” means a partnership firm registered under the Indian Partnership Act, 1932 (9 of 1932) or a limited liability partnership registered under the Act;
- (i) “reporting limited liability partnership” means a limited liability partnership required to comply with the requirements of section 90 of the Companies Act, 2013 as modified by the notification;
- (j) “section” means a section of Act and includes a section of the Companies Act, 2013, as modified by the notification;
- (k) “significant beneficial owner” in relation to a reporting limited liability partnership, means an individual who acting alone or together or through one or more persons or trust, possesses one or more of the following rights or entitlements in such reporting limited liability partnership, namely:-
  - (i) holds indirectly or together with any direct holdings, not less than ten per cent of the contribution;
  - (ii) holds indirectly or together with any direct holdings, not less than ten percent of voting rights in respect of the management or policy decisions in such limited liability partnership;
  - (iii) has right to receive or participate in not less than ten per cent of the total distributable profits, or any other distribution, in a financial year through indirect holdings alone or together with any direct holdings;
  - (iv) has right to exercise or actually exercises, significant influence or control, in any manner other than through direct-holdings alone;

**Explanation I.-** For the purpose of this clause, if an individual does not hold any right or entitlement indirectly under sub-clauses (i), (ii), (iii) or (iv), he shall not be considered to be a significant beneficial owner.

**Explanation II.-** For the purpose of this clause, an individual shall be considered to hold a right or entitlement directly in the reporting limited liability partnership, if he satisfies any of the following criteria, namely:-

- (i) the contribution in the reporting limited liability partnership representing such right or entitlement are held in the name of the individual;
- (ii) the individual holds or acquires a beneficial interest in the contribution of the reporting limited liability partnership under sub-rule (2) of rule 22B of the Limited Liability Partnership Rules, 2009 and has made a declaration in this regard to the reporting limited liability partnership.

**Explanation III.-** For the purpose of this clause, an individual shall be considered to hold a right or entitlement indirectly in the reporting limited liability partnership, if he satisfies any of the following criteria, in respect of a partner of the reporting limited liability partnership, namely: -

(i) where the partner of the reporting limited liability partnership is a body corporate (whether incorporated or registered in India or abroad) other than a limited liability partnership, and the individual,-

(a) holds majority stake in that partner; or

(b) holds majority stake in the ultimate holding company (whether incorporated or registered in India or abroad) of that partner;

(ii) where the partner of the reporting limited liability partnership is a Hindu undivided family (through karta), and the individual is the karta of the Hindu undivided family;

(iii) where the partner of the reporting limited liability partnership is a partnership entity (through itself or a partner), and the individual,-

(a) is a partner; or

(b) holds majority stake in the body corporate which is a partner of the partnership entity; or

(c) holds majority stake in the ultimate holding company of the body corporate which is a partner of the partnership entity.

(iv) where the partner of the reporting limited liability partnership is a trust (through trustee), and the individual,-

(a) is a trustee in case of a discretionary trust or a charitable trust;

(b) is a beneficiary in case of a specific trust;

(c) is the author or settlor in case of a revocable trust.

(v) where the partner of the reporting limited liability partnership is,-

(a) a pooled investment vehicle; or

(b) an entity controlled by the pooled investment vehicle,

based in member State of the Financial Action Task Force on Money Laundering and the regulator of the securities market in such member State is a member of the International Organisation of Securities Commissions, and the individual in relation to the pooled investment vehicle,-

(A) is a general partner; or

(B) is an investment manager; or

(C) is a chief executive officer where the investment manager of such pooled vehicle is a body corporate or a partnership entity.

**Explanation IV** - Where the partner of a reporting limited liability partnership is,

(i) a pooled investment vehicle; or

(ii) an entity controlled by the pooled investment vehicle,

based in a jurisdiction which does not fulfil the requirements referred to in clause (v) of Explanation III, the provisions of clause (i) or clause (ii) or clause (iii) or clause (iv) of Explanation III, as the case may be, shall apply.

**Explanation V.-** For the purpose of this clause, if any individual, or individuals acting through any person or trust, act with a common intent or purpose of exercising any rights or entitlements, or exercising control or significant influence, over a reporting limited liability partnership, pursuant to an agreement or understanding, formal or informal, such individual, or individuals, acting through any person or trust, as the case may be, shall be deemed to be “acting together”.

(l) "significant influence" means the power to participate, directly or indirectly, in the financial and operating policy decisions of the reporting limited liability partnership but is not control or joint control of those policies.

(m) “ultimate holding company” is a holding company as defined under clause (46) of section 2 of the Companies Act, 2013, which is not a subsidiary of any other body corporate.

(2). The words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Limited Liability Partnership Act, 2008 (6 of 2009).

**4. Duty of the reporting limited liability partnership.-** (1) Every reporting limited liability partnership shall take necessary steps to find out if there is any individual who is a significant beneficial owner, in relation to that

reporting limited liability partnership, and if so, identify him and cause such individual to make a declaration in Form No. LLP BEN-1.

(2) Without prejudice to sub-rule (1), every reporting limited liability partnership shall in all cases where its partner (other than an individual), holds not less than ten per cent. of its-

- (a) contribution; or
- (b) voting rights; or
- (c) right to receive or participate in the distributable profits or any other distribution payable in a financial year,-

give notice to such partner in Form No. LLP BEN-4, seeking information in accordance with sub-section (5) of section 90 of the Companies Act, 2013 as applied to the limited liability partnership as per the notification.

**5. Declaration of significant beneficial ownership.-** (1) On the commencement of these rules, every individual who is a significant beneficial owner in a reporting limited liability partnership, shall file a declaration in Form No. LLP BEN-1 to the reporting limited liability partnership within ninety days from such commencement.

(2) Every individual, who subsequently becomes a significant beneficial owner, or where his significant beneficial ownership undergoes any change shall file a declaration in Form No. LLP BEN-1 to the reporting limited liability partnership, within thirty days of acquiring such significant beneficial ownership or any change therein.

(3) Where an individual becomes a significant beneficial owner, or where his significant beneficial ownership undergoes any change, within ninety days of the commencement of these rules, it shall be deemed that such individual became the significant beneficial owner or any change therein happened on the date of expiry of ninety days from such commencement, and the period of thirty days for filing will be reckoned accordingly.

**6. Return of significant beneficial owners in contribution.-** Upon receipt of declaration under rule 5, the reporting limited liability partnership shall file a return in Form No. LLP BEN-2 with the Registrar in respect of such declaration, within a period of thirty days from the date of receipt of such declaration by it, along with the fees as prescribed in the Limited Liability Partnership Rules, 2009.

**7. Register of significant beneficial owners.-** (1) The limited liability partnership shall maintain a register of significant beneficial owners in Form No. LLP BEN-3.

(2) The register shall be open for inspection during business hours, at such reasonable time of not less than two hours, on every working day as may be decided by limited liability partnership agreement, or by partners of the limited liability partnership on payment of such fee as may be specified by the limited liability partnership but not exceeding fifty rupees for each inspection.

**8. Notice seeking information about significant beneficial owners.-** A limited liability partnership shall give notice in Form No. LLP BEN-4 seeking information in accordance with sub-section (5) of section 90 as applied to the limited liability partnership by the notification.

**9. Application to the Tribunal.-** The reporting limited liability partnership shall apply to the Tribunal,

- (i) where any person fails to give the information required by the notice in Form No. LLP BEN-4, within the time specified therein; or
- (ii) where the information given is not satisfactory, under sub-section (7) of section 90 of Companies Act, 2013

for order directing that the contribution in question be subject to such restrictions as Tribunal deems fit, including-

- (a) restrictions on the transfer of interest attached to the contribution in question;
- (b) suspension of the right to receive profits or any other distribution in relation to the contribution in question;
- (c) suspension of voting rights in relation to the contribution in question;
- (d) any other restriction on all or any of the rights attached with the contribution in question.

**10. Non-applicability.-** These rules shall not apply to the extent the contribution of the reporting limited liability partnership is held by-

- (a) the Central Government, State Government or any local authority;
- (b) (i) a reporting limited liability partnership, or

(ii) a body corporate, or

(iii) an entity,

controlled by the Central Government or by one or more State Government, or partly by the Central Government and partly by one or more State Government;

(c) an investment vehicles registered with, and regulated by the Securities and Exchange Board of India, such as mutual funds, alternative investment funds (AIF), Real Estate Investment Trusts (REITs), Infrastructure Investment Trust (InVITs).

(d) an investment vehicles regulated by the Reserve Bank of India, or the Insurance Regulatory and Development Authority of India, or the Pension Fund Regulatory and Development Authority.

[F. No.17/30/2018-CL-V]

MANOJ PANDEY, Jt. Secy.

### Annexure

[See rule 3(b)]

### **Form No. LLP BEN-1**

#### **Declaration by the beneficial owner who holds or acquires significant beneficial ownership in Contribution**

*[Pursuant to section 90(1) of the Companies Act, 2013 and Rule 5 of the Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023]*

To

Name of the Limited Liability Partnership:

Registered office address:

1. Purpose of filing the form (choose any one)

☐ For declaration of Significant Beneficial Ownership under Section 90 of the Companies Act, 2013.

☐ For Change in Significant Beneficial Ownership under Section 90 of the Companies Act, 2013.

ID of the Significant Beneficial Owner

2. Particulars of the holder of the significant beneficial interest:

Name of the Significant Beneficial Owner (Given name and last Name)	
Address and Email id	
Date of Birth/Age	
Father's/ Mother's/Spouse's name	
Occupation	
Nationality	
Passport No. (in case of foreign national)	
PAN	
DIN/DPIN (in case of holding directorship/designated partner in body corporate)	

3. Nature of indirect holding or exercise of right in the reporting Limited Liability Partnership through partner of the reporting LLP (where more than one repeat this para of the Form)

a. Type of Partner (Company/ LLP/Any other Body Corporate/ HUF/Partnership firm/Discretionary Trust/Charitable trust/Specific Trust/Revocable Trust /Pooled Investment vehicle (PIV) / Entity controlled by PIV):

b. Corporate Identity number (CIN) or Limited Liability Partnership Identification number (LLPIN) or any other registration number allotted by the regulator established under the Act:

c. Name of Partner:

d. Address:

Line I .....

Line II .....

City ..... State .....

Country ..... Pin code .....

e. Nature of indirect holding or exercise of right in the reporting LLP:

By virtue of Contribution	%
By virtue of voting rights in contribution	%
By virtue of rights in distributable profits or any other distribution	%
By virtue of exercise of control (attach copy of agreement)	
By virtue of exercise of significant influence (attach copy of agreement)	

f. Status of significant beneficial owner in the partner of the reporting LLP (mention applicable/Not Applicable)

Individual in case of company or any other body corporate	
Designated Partner or Partner in case of LLP or partnership firm	
Karta in case of HUF	
Trustee in case of a discretionary trust or charitable trust	
Beneficiary in case of a specific trust	
Author or settlor in case of a revocable trust	
General Partner, Investment Manager or CEO in case of pooled investment vehicle or entity controlled by pooled investment vehicle	

g. In case the partner is a partnership firm or LLP, specify whether significant beneficial owner: (Yes/No)

is a designated partner/partner	
holds majority stake in the body corporate partner	
holds majority stake in the ultimate holding company of the body corporate partner	

h. In case the partner is a company or any other body corporate, specify whether significant beneficial owner holds: (Yes/No)

majority stake in such company or body corporate	
majority stake in the ultimate holding company of such company or body corporate	

१. Whether Significant Beneficial Owner has any direct holding or right in the reporting LLP: O Yes O No

If Yes enter details (In percentage):

By virtue of contribution	
By virtue of voting rights in contribution	
By virtue of rights on distributable profits or any other distribution	
By virtue of exercise of control (attach copy of agreement)	
By virtue of exercise of significant influence (attach copy of agreement)	

Date:

Place:

Signature of the holder of the significant beneficial interest

Attachments:

**Form No. LLP BEN-2**

Form language



**Return to the Registrar in respect of declaration under section 90**  
[Pursuant to section 90(4) of The Companies Act, 2013 and rule 6 The  
Limited Liability Partnership(Significant Beneficial Owners) Rules,  
2023]

☒ English ☒ Hindi

Refer instruction kit for filing the form

All fields marked in \* are mandatory

**Limited Liability Partnership Information**

1 \*Limited Liability Partnership Identification Number (LLPIN) of LLP

2(a) \*Name of the Limited Liability Partnership

(b) \*Registered office address

(c) \*email id

3 \*Purpose of filing the form

☐ For declaration of holding reporting LLP  
Section 90 of the Companies Act, 2013

☐ For declaration of Significant Beneficial Ownership under

☐ For change in particulars of existing Significant Beneficial  
Ownership under Section 90 of the Companies Act, 2013

☐ For removal of existing Significant  
Ownership under Section 90 of the  
Companies Act, 2013

☐ Removal of the existing holding reporting Limited Liability Partnership

**4 For declaration of holding reporting Limited Liability Partnership**

(applicable in case 'For declaration of holding reporting Limited Liability Partnership' is selected in data field 3)

(a) LLPIN of the holding reporting Limited Liability Partnership

**5 (a) For declaration of Significant Beneficial Ownership under Section 90 of the Companies Act, 2013**

(applicable in case 'For declaration of Significant Beneficial Ownership under Section 90 of the Companies Act,  
2013' is selected in data field 3)

(a) Number of Significant Beneficial Owners for whom the form is being filed

Significant Beneficial Owner	Number of Partners through whom indirect holding or right in reporting Limited Liability partnership is being exercised
SBO1	
SBO2...	



**6 Details and particulars of Partners****6A Manner in which significant beneficial interest is being held or exercised either indirectly or together with any direct holding or right (select one or more as may be applicable)**

- ☐ By virtue of contribution
- ☐ By virtue of voting rights in contribution
- ☐ By virtue of rights on distributable profits or any other distribution
- ☐ By virtue of exercise of control (attach copy of agreement)

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- ☐ By virtue of exercise of significant influence (attach copy of agreement)

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**6B Particulars of the Partners**

- (a) Type of Partner (company/ foreign company/limited liability partnership(LLP)/ any    
Other body corporate/Hindu Undivided Family (HUF)/ Partnership firm /  
Discretionary trust / charitable trust / specific trust / revocable trust / Pooled  
Investment vehicle (PIV) / entity controlled by PIV/ foreign LLP / LLP incorporated  
Outside India and has no place of business in India/ Individuals acting together/ foreign  
Government)
- (i) Whether trustee is a body corporate? O yes O No
- (ii) Number of Individuals acting together
- (b) CIN/ FCRN/ LLPIN or any other registration number
- (c) Name of the Partner
- (d) Address of the Partners
- (i) Address Line 1
- (ii) Address Line 2
- (iii) Country  
- (iv) Pin Code/Zip code
- (v) Area/Locality  
- (vi) City
- (vii) District
- (viii) State/UT
- (e) Email ID of the Partner
- (f) Date of entry of name in register under Rule 22A of the Limited Liability Partnership  
Rules, 2009 (DD/MM/YYYY)

**6C Other details of the Partners**

- (a) Status of the SBO    
(Individual/partner/karta/trustee/protector/director of trustee/director of Protector/beneficiary/settlor/ general partner/investment partner/ CEO of PIV/ individual acting together/head of states)
- (b) Whether individual (SBO) has majority stake in the    
(partner of the Reporting LLP/Ultimate Holding Company of the partner of the reporting LLP)
- (c) Corporate Identity number (CIN) or LLPIN or Foreign Company Registration Number (FCRN) or Foreign Limited Liability Partnership Identification (FLLPIN) or any other registration number
- (d) Name of the ultimate holding company
- (e) Whether the individual (SBO):    
(is a partner of the Body corporate/ holds majority stake in the body corporate partner/ holds majority stake in the ultimate holding company of the body corporate partner)
- (f) Corporate Identity number (CIN) or Foreign Company Registration Number (FCRN) or Foreign Limited Liability Partnership Identification (FLLPIN) or any other registration number
- (g) Name of the body corporate partner / ultimate holding company

**6D Particulars of the SBO to be added SBO1**

- (a) ID of the Significant Beneficial Owner
- (a)(i) Income Tax PAN
- [Verify Income tax](#)
- (ii) Passport Number
- (b) Name of the Significant Beneficial Owner
- (b)(i) First Name
- (ii) Middle Name
- (iii) Last Name
- (c) Father's Name (Even married women must give father's name)
- (c)(i) First Name
- (ii) Middle Name
- (iii) Last Name
- (d) Date of Birth (DD/MM/YYYY)
- (e) Nationality  
- (f) Whether a citizen of India ☐ Yes ☐ No

(g) Address of Significant Beneficial Owner

(g)(i) Address Line 1

(ii) Address Line 2

(iii) Country

(iv) Pin Code/Zip code

(v) Area/Locality

(vi) City

(vii) District

(viii) State/UT

(ix) Email ID of the Significant Beneficial Owner

(h)(i) Date of acquiring Significant Beneficial Interest (DD/MM/YYYY)

(ii) Date of declarations under sub-section (1) of section 90 of the Companies Act, 2013 (DD/MM/YYYY)

(iii) Date of receipt of the declaration by the LLP (DD/MM/YYYY)

(i) Whether Significant Beneficial Owner has any direct holding or right in the reporting LLP

☐ Yes☐ No

(j) If yes, enter details below:

☐ (i) By virtue of contribution☐ (ii) By virtue of voting rights in contribution☐ (iii) By virtue of rights on distributable profits or any other distribution☐ (iv) By virtue of exercise of control (attach copy of agreement)

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☐ (v) By virtue of exercise of significant influence (attach copy of agreement)

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(k) Name of the Body Corporate

(l) Corporate Identity number (CIN) or Foreign Company Registration Number (FCRN) or Limited Liability Partnership Identification Number (LLPIN) or Foreign Limited Liability Partnership Identification (FLLPIN) or any other registration number

**5 (b) For change in particulars of Significant Beneficial Ownership under Section 90 of the Companies Act, 2013***(applicable in case 'For change in particulars of Significant Beneficial Ownership under Section 90 of the Companies Act, 2013' is selected in data field 3)*

(b)(i) Number of Significant Beneficial Owners for whom particulars are to be changed

Significant Beneficial Owner	Number of Partners through whom indirect holding or right in reporting LLP is being exercised
SBO1	
SBO2...	

**6 Details and particulars of Partners****6A Manner in which significant beneficial interest is being held or exercised either indirectly or together with any direct holding or right (select one or more as may be applicable)**☐ By virtue of contribution☐ By virtue of voting rights in contribution☐ By virtue of rights on distributable profits or any other distribution☐ By virtue of exercise of control (attach copy of agreement)

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☐ By virtue of exercise of significant influence (attach copy of agreement)

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**6B Particulars of the Partners**

(a) Type of Partner

(Company/ Foreign Company/ Limited Liability Partnership (LLP)/ Any other Body Corporate/  
Hindu Undivided Family (HUF)/ Partnership Firm/ Discretionary Trust/ Charitable Trust/  
Specific Trust/ Revocable Trust/ Pooled Investment vehicle (PIV)/ Entity controlled by PIV/  
Foreign LLP/ LLP incorporated outside India and has no place of business in India/ Individuals acting together/  
Foreign Government)

(i) Whether trustee is a body corporate?

☐ Yes ☐ No

(ii) Number of individuals acting together

(b) CIN/ FCRN/ LLPIN or any other registration number

(c) Name of the Partner

(d) Address of Partner

(i) Address Line 1

(ii) Address Line 2

(iii) Country

(iv) Pin Code/Zip code

(v) Area/Locality

- (vi) City
- (vii) District
- (viii) State/UT
- (e) Email ID of the Partner
- (f) Date of entry of name in register under rule 22A of Limited Liability Partnership Rules, 2009 (DD/MM/YYYY)

**6C Other details of the partners**

- (a) Status of the SBO  ▼  
(Individual/ Partner/ Karta/ Trustee/ Protector/ Director of trustee/ Director of Protector/ Beneficiary/ Settlor/ General Partner/Investment manager/ CEO of PIV/ General Partner/ Investment manager/CEO of PIV/ Individuals acting together/ Head of State)
- (b) Whether individual (SBO) has majority stake in the  ▼  
*Partner of the reporting LLP/ Ultimate Holding Company of the partner of the reporting LLP)*
- (c) Corporate Identity number (CIN) or Foreign Company Registration Number (FCRN) Or LLPIN or Foreign Limited Liability Partnership Identification (FLLPIN) or any other registration number
- (d) Name of the ultimate holding company
- (e) Whether the individual (SBO)  ▼  
*(is a partner of the body corporate/ holds majority stake in the body corporate partner/ holds majority stake in the ultimate holding company of the body corporate partner)*
- (f) Corporate Identity number (CIN) or Foreign Company Registration Number (FCRN) or LLPIN or Foreign Limited Liability Partnership Identification (FLLPIN) or any other registration number
- (g) Name of the body corporate partner or ultimate holding company

**6D Particulars of the SBO to be changed SBO1**

- (a) ID of the Significant Beneficial Owner  ▼
- (i) Income Tax PAN
- [Verify Income tax](#)
- (ii) Passport Number
- (b) Name of the Significant Beneficial Owner
- (i) First Name
- (ii) Middle Name
- (iii) Last Name

(c) Father's Name (Even married women must give father's name)

(i) First Name

(ii) Middle Name

(iii) Last Name

(d) Date of Birth (DD/MM/YYYY)

(e) Nationality

(f) Whether a citizen of India

☐

Yes

☐

No

(g) Address of Significant Beneficial Owner

(i) Address Line 1

(ii) Address Line 2

(iii) Country

(iv) Pin Code/Zip code

(v) Area/Locality

(vi) City

(vii) District

(viii) State/UT

(ix) Email ID of the Significant Beneficial Owner

(h)(i) Date of acquiring Significant Beneficial Interest (DD/MM/YYYY)

(ii) Date of declarations under sub-section (1) of section 90 of the Companies Act, 2013 (DD/MM/YYYY)

(iii) Date of receipt of the declaration by the LLP (DD/MM/YYYY)

(i) Whether Significant Beneficial Owner has any direct holding or right in the reporting LLP

☐

Yes

☐

No

(j) If yes, enter details below:

☐ (i) By virtue of contributions

☐ (ii) By virtue of voting rights in contributions

☐ (iii) By virtue of rights on distributable profits or any other distribution

☐ (iv) By virtue of exercise of control (attach copy of agreement)

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☐ (v) By virtue of exercise of significant influence (attach copy of agreement)

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(k) Name of the Body Corporate

(m) Corporate Identity number (CIN) or Foreign Company Registration Number (FCRN) or Limited Liability Partnership Identification Number (LLPIN) or Foreign Limited Liability Partnership Identification (FLLPIN) or any other registration number

**5 (c) For removal of existing Significant Beneficial Ownership under Section 90 of the Companies Act, 2013**  
(applicable in case 'For removal of existing Significant Beneficial Ownership under Section 90 of the Companies Act, 2013' is selected in data field 3)

(c) (i) Number of Significant Beneficial Owner to be removed

(d) (i) ID of the Significant Beneficial Owner to be removed

(ii) Name of Significant Beneficial Owner to be removed

(iii) Date of removal of Significant Beneficial Interest (DD/MM/YYYY)

(iv) Date of declarations under sub-section (1) of section 90 of the Companies Act, 2013 (DD/MM/YYYY)

(v) Date of receipt of the declaration by the LLP (DD/MM/YYYY)

(e) Whether control or significant influence has ceased

☐ Yes☐ No

If yes, provide copy of relevant document

Max 2 MB

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(f) Details of direct or indirect control by the SBO after such cessation/change (select all that apply):

☐ (i) By virtue of contribution☐ (ii) By virtue of voting rights in contribution☐ (iii) By virtue of rights on distributable profits or any other distribution☐ (iv) By virtue of exercise of control (attach copy of agreement)

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☐ (v) By virtue of exercise of significant influence (attach copy of agreement)

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**7 Removal of the holding reporting LLP**

(applicable in case option 'Removal of the holding reporting LLP' is selected in data field 3)

(a) LLPIN of the holding reporting LLP

(b) Effective date of removal of holding reporting LLP (DD/MM/YYYY)

---

**Attachments**

(a) \*Declaration under Section 90 of the Companies Act, 2013

Max 2 MB

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(b) Registration Certificate

(c) Instrument under which significant beneficial interest is created

Max 2 MB

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(d) Optional attachment, if any.

Max 2 MB

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**Declaration**

To the best of my knowledge and belief, the information given in this form and attachments is correct and complete. I, being a designated partner of the LLP, am authorised to sign and submit this form.

**I further  hereby declare that I have verified the details of individual(s) on whose behalf reporting is done in LLP BEN-1 to act as SBO in the LLP, by providing a reasonable opportunity to such individual(s).**

**\*To be digitally signed by designated partner**

**DSC BOX**

\* DPIN of the designated partner

---

**Certificate by practicing professional**

\* It is hereby certified that I have verified the above particulars (including attachment(s)) from the records of

and found them to be true and correct. I further certify that all the required attachment(s) have been completely attached to this form.

\* Category

☐ Chartered accountant (in whole time practice)

☐ Cost accountant (in whole time practice)

☐ Company secretary (in whole-time practice)

\* Whether associate or fellow:

☐ Associate

☐ Fellow

\*Membership number or certificate of practice number

\*Signature Field 2

**DSC BOX**

Save

Submit



**Note: Attention is drawn to provisions of Section 37 of LLP Act, 2008 which provide for punishment for false statement and punishment for the same.**

**This eForm has been taken on file maintained by the register of LLPs through electronic mode and on the basis of statement of correctness given by the Designated partner and professional.**

**For office use only:**

eForm Service request number (SRN)

eForm filing date (DD/MM/YYYY)

**Form No. LLP BEN-3**

**Register of beneficial owners holding significant beneficial interest**

**[Pursuant to Section 90(2) of the Companies Act, 2013 and Rule 7 (1) of the Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023]**

Name of the Limited Liability Partnership:

Registered office address:

Sl. No.	Name of the Beneficial Owner	Address and Email id	Date of Birth/ Age	Father's/ Mother's/ Spouse's name
(1)	(2)	(3)	(4)	(5)
Occupation	Nationality	PAN/Unique Identification Number	Passport No. (in case of foreign national)	Status
(6)	(7)	(8)	(9)	(10)
Date of declaration under Section 90 of the Companies Act, 2013 and Rule 4 and 5 of the Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023	Date of cessation	Date of entry in Register	Date of filing of LLP BEN-2(SRN wise)	Any other interest, if any
(11)				
Instructions, if any, given by the partner				

**Form No. LLP BEN-4**

**[Pursuant to section 90(5) of the Companies Act, 2013 and Rule 4, 8 and 9 of the Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023]**

[<<Insert LLP Name>>] (the “LLP”)

<<Insert Date>>

[By post/email]

To:

Name and address of SBO/any other person

Date:

**Subject: Notice under sub-section (5) of Section 90 of the Companies Act, 2013 and rules made under the Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023**

The Limited Liability Partnership has reasonable cause to believe that:

- ☐ You are a significant beneficial owner of the Limited Liability Partnership;
- ☐ You have knowledge of the identity of significant beneficial owner/another person of .....likely to have such knowledge;
- ☐ being a partner hold not less than 10% of the contribution / voting rights/ rights on distributable profits or any other distribution in the company
- ☐ You have been a significant beneficial owner of the Limited Liability Partnership during the three years immediately preceding the date of this notice, and

in respect of the above significant beneficial ownership, the declaration for intimation as prescribed under Section 90 of the Act Companies Act, 2013 has not been complied with the Companies Act, 2013 and rules made under the Limited Liability Partnership (Significant Beneficial Owners) Rules, 2023.

You are accordingly advised to give the following information within 30 days of the date of this notice in accordance with the Section 90 of the Companies Act, 2013:

1. Name and Address of the Beneficial Owner (B.O)
2. PAN of the BO
3. Name of the person/entity/trust/body corporate etc. in whose name the contribution is registered
4. Date of acquiring beneficial interest
5. Documents, terms and conditions or any other particulars regarding the Beneficial ownership
6. Reason for not filing declaration in Form No. LLP BEN-1.
7. Any other information incidental to or relevant or in your possession or knowledge to enable the Limited Liability Partnership to evaluate this matter.

\* A copy of LLP Form No. BEN-1 is attached for compliance.

The above mentioned particulars should be submitted in writing to the registered address of the Limited Liability Partnership not later than 30 days of the date of this notice failing which the Limited Liability Partnership shall proceed in the matter without further notice as per the provisions of the Act.

Name & signature

(Person authorized to issue notice)

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-22**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 42 ಕೇನಿಪ್ರ 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10.01.2024.  
ದಿನಾಂಕ: 20.11.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Lok Sabha Secretariat (Allotment of  
Residences) Rules, 2023ರ Notification-GSR 850(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ  
ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

## LOK SABHA SECRETARIAT

### NOTIFICATION

New Delhi, the 20th November, 2023

**G.S.R. 850(E).**—In exercise of the powers conferred by the Rule 45 of Fundamental Rules, as made applicable to the Officers of the Lok Sabha Secretariat by Recruitment and Conditions of Service Order No. 185 dated the 19<sup>th</sup> December, 1957 and in supersession of the Lok Sabha Secretariat (Allotment of Residences) Rules, 1974, the Speaker of the Lok Sabha hereby makes the following rules regulating the allotment of accommodation to Lok Sabha Secretariat employees under the control of the Lok Sabha Secretariat, namely:-

**1. Short title and commencement-**

- (1) These Rules may be called the Lok Sabha Secretariat (Allotment of Residences) Rules, 2023.
- (2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions-**

In these rules, unless the context otherwise requires-

- (a) "accommodation" means the Lok Sabha Secretariat Pool Residential Accommodation under the control of Lok Sabha Secretariat;
- (b) "allotment" means the grant of a licence to occupy a residential accommodation in accordance with the provisions of these rules and include allotment by Automated System of Allotment (ASA) or by manual system of allotment;
- (c) "allotment of garage" means the grant of a licence to occupy a garage in accordance with the provisions of these rules;
- (d) "damages" means a compensation to be levied in multiples of licence fee in the event of unauthorized occupation or subletting or misuse of whole or any part of accommodation or garages by the occupant of the accommodation or garages;
- (e) "Lok Sabha Secretariat" means Office of the Lok Sabha Secretariat;
- (f) "Lok Sabha Secretariat Pool of Residence" means all the residences presently under the administrative control of Lok Sabha Secretariat;
- (g) "Officer" means a person appointed to, or borne on the cadre of the Secretarial staff of the Lok Sabha;
- (h) "eligible type of accommodation" in relation to an officer means the type of accommodation to which he is eligible under these rules;
- (i) "employee" means an employee of the Lok Sabha Secretariat;
- (j) "family" means the wife or husband of allottee, as the case may be, and children, step children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the allottee;
- (k) "guest" means a casual visitor staying temporarily with the allottee;

- (l) "own house" means a building or part thereof meant for residential purposes and owned by the allottee or by any member of his/her family;
- (m) "immediate relations" mean relationship such as Grandfather, Grandmother, Grandsons, Granddaughters, Father-in-law, Mother-in-law, Son-in-law, Daughter-in-law and include relationship established by legal adoption;
- (n) "licence fee" means a fee payable monthly in respect of the accommodation allotted under these rules;
- (o) "misuse", in relation to an allotment, means an accommodation or a servant quarter or a garage being used by allottee himself/herself or by his/her family members or immediate relations staying with him/her for the purpose other than the purposes provided under these rules;
- (p) "subletting" means letting out of a Lok Sabha Secretariat Pool Residential Accommodation partly or wholly by an allottee to any person outside allottee's family and immediate relations;
- (q) "surrender of accommodation" means vacation of accommodation after physical occupation of the accommodation by the allottee on his/her own volition during the allotment period;
- (r) "transfer" means a transfer from an eligible officer to an ineligible officer and includes deputation to a post in an ineligible officer or an organisation.

### 3. Eligible zone for accommodation-

All Lok Sabha Secretariat (LSS) employees (except who are in deputation/contract/co-terminus basis in Lok Sabha Secretariat) who fulfill the conditions of eligibility under these rules and have been specifically declared to be eligible for allotment of accommodation by the Lok Sabha Secretariat shall be eligible for allotment or retention of accommodation from the LSS Pool.

### 4. Entitlement/Classification for/of types of accommodation-

- (1) Save as otherwise provided by these rules, an Officer/Official will be eligible for allotment of residence of the type shown in the Table below:-

Type of Residences	Existing Grade Pay	Pay Level in the Pay Matrix (as per 7 <sup>th</sup> Pay Commission)
I	Rs. 1900	2
II	Rs. 2000, Rs. 2200, Rs. 2400 and Rs. 2800	3,4,5
III	Rs. 4200, Rs. 4600 and Rs. 4800	6,7,8
IV	Rs. 5400 to Rs. 6600	10,11
VA (DII)	Rs. 7600 and Rs. 8000	12
VB (DI)	Rs. 8700 and Rs. 8900	13
VIA (CII)	Rs. 10,000	14
VIB (CI)	Rs. 67000 to Rs. 74999	15 (Index numbers 1 to 4 in the level)
VII	Rs. 75000 to 79999	15 (Index numbers 5 to 8 in the level), 16
VIII	Rs. 80000 and above	17, 18

- (2) The calculation of date of priority and preparation of waiting lists for different types of accommodations shall be as under:

- (a) The date of priority in respect of type I to type IV accommodation shall be determined on the basis of the date of joining of the employee in the Lok Sabha Secretariat Service and the eligibility for the type of accommodation shall be decided as per the level of the applicant in the pay matrix:
- Provided that an applicant under this category shall be allowed to bid for one type lower accommodation than the eligible type.
- (b) The *inter-se* seniority in respect of type I to type IV accommodation shall be considered on the basis of the following factors, namely:-
- (i) where the date of joining the Lok Sabha Secretariat Service of two or more applicants is the same, the applicant having a higher level pay in the level shall be senior in the waiting list; and
- (ii) where the date of joining the Lok Sabha Secretariat and pay in the level of two or more applicants are the same, the applicant retiring earlier may be accorded priority over the applicant retiring later.

- (c) The date of priority in respect of type VA and above accommodation shall be determined on the basis of the date from which the applicant is continuously drawing relevant pay in the Pay Matrix in the Lok Sabha Secretariat.
- (d) The *inter-se* seniority for the type VA and above accommodation shall be considered on the basis of the following factors, namely:-
  - (i) where the priority date of two or more applicants is the same, the applicant having a higher level pay in the level shall be senior in the waiting list;
  - (ii) where the date of priority and the pay in the level of two or more applicants are the same, the applicant who has joined the Lok Sabha Secretariat Service earlier shall be senior in the waiting list; and
  - (iii) where the date of priority, pay in the level and the date of joining the Lok Sabha Secretariat Service of two or more applicants are the same, the applicant retiring earlier may be accorded priority over the applicant retiring later.
- (3) The applicants entitled for type V and above accommodation shall also be eligible to apply for accommodation below their entitlement subject to the condition that such accommodation shall not be below Type IV accommodation.
- (4) The benefit of previous services in the defence forces or any other organization will not be given for the purposes of calculation of date of priority.
- (5) Personal pay shall not be considered for the purposes of determining the *inter-se* seniority in the waiting list.
- (6) Non-practising Allowance, Military Service Pay or any other such component of pay shall not be considered for the purposes of determining the *inter-se* seniority in the waiting list.

#### **5. Application for accommodation-**

- (1) Eligible employees of Lok Sabha Secretariat may submit an online application on Lok Sabha Secretariat Intranet for allotment of accommodation to which he/she is eligible under these rules and the entitled type of accommodation shall be offered as per the priority in accordance with these rules having regard to the allottee's preference.
- (2) Applications received prior to the specified bidding date shall be included in the respective unified waiting list and considered for allotment in the next bidding cycle subject to fulfillment of terms and conditions for allotment as per these rules.
- (3) The applicant shall furnish various particulars in online application form which shall be verified by the designated Officer and in case of any discrepancy in the application or furnishing of incorrect information in the application, the applicant and the Verifying Officer shall be liable for furnishing of incorrect information and disciplinary action shall be taken against them including cancellation of allotment of accommodation if allotment was made based on incorrect information.
- (4) No application shall be entertained for accommodation within six months of the date of superannuation.

#### **6. Preparation of waiting lists for various types of accommodation-**

- (1) A unified waiting list shall be prepared for each type of accommodation except for Type VII and Type VIII accommodation.
- (2) A unified waiting list shall have names of the applicants either applying or who have applied for initial as well as for change of accommodation and shall be prepared as per the entitlement for a type of accommodation.
- (3) The names of applicants entitled for Type V and above accommodation shall be included in all unified waiting lists of below types of accommodation for which they are eligible.
- (4) The names of applicants entitled for Types II, III and IV accommodation shall be included in all unified waiting lists of one type below accommodation for which they are eligible.

#### **7. Deletion of names of non-serious applicants from Unified Waiting Lists-**

The names of applicants, who have neither updated their personal data nor opted for any accommodation during the past one year, shall be automatically deleted from the unified waiting list:

Provided that the applicant whose name is deleted may get his/her name activated again by filing the prescribed form online and such applicant shall be considered in the unified waiting list of the respective type of accommodation.

**8. Offer of allotment of accommodation-**

- (1) Save as otherwise provided in these rules, accommodation falling vacant in all types will be allotted by Automated System of Allotment (ASA) to the applicant applying for initial allotment or for change of accommodation from the unified waiting list for that type of accommodation under these rules.
- (2) The Lok Sabha Secretariat may, in emergent circumstances where the accommodation in occupation of the allottee is required to be vacated, allot him/her an alternate accommodation of the same type of accommodation or the type next below the type of accommodation in occupation of the allottee, subject to availability.

**9. Period for which allotment subsists-**

An allotment shall be effective from the date on which it is accepted by the allottee and shall continue till in the Lok Sabha Secretariat service or in force until:

- (a) the expiry of the concessional period permissible under these rules after the allottee ceases to be on duty in Lok Sabha Secretariat;
- (b) it is cancelled by the Lok Sabha Secretariat/Estate Officer or is deemed to have been cancelled under any provisions in these rules;
- (c) it is surrendered by the allottee;
- (d) the allottee ceases to occupy the accommodation.

**10. Acceptance of allotment-**

An offer of allotment of an accommodation shall be accepted by the allottee within eight days from the date of allotment of the accommodation through Automated System or by manual system of allotment, as the case may be.

**11. Process after acceptance-**

- (1) After acceptance of the allotted accommodation, the allottee shall take physical possession of the accommodation from the CPWD or from any other maintenance agency, as the case may be, within five working days from the date of receipt of the acceptance letter and the CPWD or any other maintenance agency, as the case may be, shall hand over the allotted accommodation to the allottee.
- (2) In case the allotted accommodation is not ready for immediate occupation, CPWD or any other maintenance agency shall issue a Technical Occupation Report to the allottee on receipt of authority letter from the Lok Sabha Secretariat.
- (3) The CPWD shall issue a Physical Occupation Report to the allottee once the accommodation is ready for occupation and after handing over the accommodation to the allottee in habitable condition.

**12. Non-acceptance of offer of allotment or failure to occupy the allotted accommodation after acceptance-**

- (1) If any allottee fails to accept the allotment of a residential accommodation within eight days from the date of allotment of the said accommodation, or fails to take possession of that accommodation within five working days from the date of receipt of the letter of authorisation, he/she shall be debarred to apply for accommodation for a period of three months from the date of non-acceptance of allotment subject to payment of one month's normal licence fee for that type of accommodation.
- (2) The date of non-acceptance of allotment shall be calculated from the date of allotment.
- (3) If an allottee occupying a lower type of accommodation refuses to accept the offer of an accommodation of the type for which he is eligible under these rules, he/she shall be permitted to continue in the previously allotted accommodation:

Provided that such allottee shall not be eligible for another allotment for a period of six months from the date of non-acceptance of such allotment.

**13. Allotment of accommodation on Unsafe or Dangerous grounds-**

- (1) An allottee, whose residential accommodation is unsafe or dangerous may make an application to the concerned maintenance agency to declare such accommodation as unsafe or dangerous for living and an officer not below the rank of an Executive Engineer, CPWD or equivalent officer in any other maintenance agency on satisfying himself/herself that the accommodation concerned is unsafe or dangerous, issue a certificate of declaration to the effect, to the Lok Sabha Secretariat in writing and enter the accommodation in the Unsafe Accommodation Register.
- (2) Allotment of alternate accommodation to an allottee on declaration of a house as unsafe or dangerous shall be done through Automated System of Allotment or manual system of allotment as may be applicable.

(3) In cases where an individual house in a Government residential colony is declared as unsafe or dangerous, an alternate allotment of same type of accommodation is to be made on priority on the following basis:

- (a) Vacancies in the same locality or nearby locality to be identified for allotment where such occupants would be given priority in the same type of accommodation over the unified (change/initial) waiting list;
- (b) The allottee in occupation of a specific floor may apply for that floor and above accommodation Type only and allotment will be made accordingly;
- (c) Equal number of identified vacancies will be placed for allotment in ASA in relation to the number of such unsafe or dangerous houses.

#### **14. Eligibility of allottees married to each other-**

(1) No employee of the Lok Sabha Secretariat shall be allotted an accommodation under these rules if the spouse of such Government Servant has already been allotted an accommodation, unless such accommodation is surrendered:

Provided that this sub-rule shall not apply where the wife and husband are residing separately in pursuance of –

- (i) an order of judicial separation made by any Court; or
- (ii) an order to proceed to frame and record the issues for settlement of the proceedings by any Court in which a petition filed by either spouse for dissolution of marriage by a decree of divorce is pending and either of them has furnished an undertaking to surrender the accommodation allotted to her or him/her forthwith in case of revival of conjugal rights with her or his spouse.

(2) Where two allottees in occupation of separate accommodation allotted under these rules marry each other, they shall within one month of marriage, surrender one of the accommodations.

(3) If one of the accommodations is not surrendered within the stipulated period as required by sub-rule (2), the allotment of the accommodation of the lower type shall be deemed to have been cancelled on the expiry of such period and if the accommodations are of the same type, the allotment of such one of them as the Lok Sabha Secretariat may decide, shall be deemed to have been cancelled on the expiry of such period.

(4) Where both husband and wife are employed in Lok Sabha Secretariat, the title of each of them to allotment of an accommodation under these rules shall be considered independently.

(5) Notwithstanding anything contained in sub-rules (1) to (4), (i) if a wife or husband, as the case may be, who is an allottee of an accommodation under these rules, is subsequently allotted a residential accommodation from General Pool or other Government Office, she or he shall surrender anyone of the accommodation within one month of such allotment:

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any Court. (ii) where two allottees, in occupation of separate accommodations, one allotted under these rules and another from General Pool or other Government Office, marry each other, anyone of them shall surrender anyone of the accommodation within one month of such marriage.

(6) If an accommodation is not surrendered as required under sub-rule (5), the allotment of the accommodation in the Lok Sabha Secretariat shall be deemed to have been cancelled on the expiry of such period.

#### **15. Allotment to Women Employees (Ladies Pool)-**

(1) The allotment under Ladies Pool Quota will be made from Type I to Type VA only. Separate Unified Waiting Lists for Type I to VA accommodation shall be prepared for the Lady Employees.

(2) 10% of vacancies arising in Type I to Type VA accommodation of Lok Sabha Secretariat Pool in the ratio of 1:2 i.e., Single women and Married women, respectively will be reserved for Lady Employees.

Explanation-For the purposes of this rule- (i) "Married lady employee" means a lady employee whose marriage is subsisting and who is not judicially separated from her husband; and (ii) "Single Lady employee" means an unmarried lady employee and include a widow with or without children.

(3) The *inter-se* seniority of the lady employees eligible for allotment of accommodation under this rule shall be determined as per rule.

(4) All Lady Employees, who are otherwise eligible for LSS Pool accommodation, will also be eligible for allotment from the Ladies Pool.



(5) Lady employees, who are already in occupation of accommodation, will be eligible for allotment of higher type of accommodation or change in the same type, in their own turn, from the Ladies Pool and from General Pool.

(6) If the allotment to be made to Lady Employees clashes with allotment of accommodation to SC/ST employees under reserved quota, the accommodation will be first allotted to SC/ST employees and then to ladies quota.

(7) A Lady employee who had been debarred from Lok Sabha Secretariat Pool of accommodation for non-acceptance of offer of allotment from general quota will not be considered for allotment from reserve quota during her debarred period and vice-versa.

(8) If no Single Lady Employee is eligible for allotment, the quota reserved for them may be allotted to the married lady employee and vice-versa.

**16. Reservation in allotment to Scheduled Castes and Scheduled Tribes Employees-**

(1) The reservation in allotment of accommodation to Scheduled Castes and Scheduled Tribes Employees shall be ten per cent (10%) in Type I and Type II accommodation and five per cent (5%) in Type III and IV accommodation.

(2) The allotment from Type I to IV shall be made in the ratio of 2: 1 vacancies to Scheduled Castes and Scheduled Tribes employees, respectively.

(3) Separate unified waiting lists for Type I to IV accommodation shall be prepared for the Scheduled Castes and Scheduled Tribes employees.

(4) In case, there is no Scheduled Tribes applicant in the unified waiting list, the quota reserved for the Scheduled Tribes may be allotted to a Scheduled Castes applicant and vice versa.

(5) Scheduled Castes and Scheduled Tribes applicants, who are already in occupation of Lok Sabha Secretariat Pool accommodation, shall be eligible for allotment of higher type of accommodation from the quota reserved for them under this rule.

(6) In respect of Types I and II accommodation, there will be a 60 point roster system and the vacancies at point number 10, 20, 40 and 50 shall be allotted to Scheduled Castes applicants and the vacancies at point number 30 and 60 shall be allotted to Scheduled Tribe applicants.

(7) In respect of Type III and IV accommodation, there will be a 60 point roster system and the vacancies at point number 20 and 40 shall be allotted to Scheduled Caste applicants and vacancy at point number 60 shall be allotted to Scheduled Tribe applicants.

(8) The Scheduled Castes and Scheduled Tribes applicants shall also be eligible for allotment from the general pool.

(9) The Scheduled Castes and Scheduled Tribes applicants who had been debarred from Lok Sabha Secretariat Pool of accommodation for non-acceptance of offer of allotment from general quota will not be considered for allotment from reserve quota during their debarred period and vice-versa.

(10) The Scheduled Caste and Scheduled Tribe applicants shall mention the fact that as to whether they belong to Scheduled Caste and Scheduled Tribe in their application for allotment of accommodation, which shall be verified by the designated Officer from their records at the time of acceptance of allotment of the accommodation by the applicant.

**17. Allotment of surplus accommodation-**

In case of availability of surplus accommodation in any type, an applicant may be allotted an accommodation lower than the entitled type on payment of normal licence fee of his/her allotted type.

**18. Temporary allotment of accommodation for marriage or social functions-**

The temporary allotment of accommodation (if available) for marriage or social purposes shall be allotted as per guidelines issued by the Lok Sabha Secretariat.

**19. Concessional period of retention of accommodation-**

The allottee may, subject to the conditions laid down in these rules, be permitted to retain the accommodation on the happening of any of the events specified in column (2) of the table below, for the period specified in the corresponding entry in column (3) thereof, provided that the accommodation is required for the bonafide use of the allottee or members of his/her family:

Sl. No.	Events	Permissible period of retention of accommodation
(1)	(2)	(3)
1	Resignation, dismissal or removal from Service, termination of service or unauthorised absence without permission, compulsory retirement under [CCS (CCA) Rules, 1965] and for non-regular Government servants.	one month on normal licence fee
2	Retirement, voluntary retirement, retirement on medical grounds, terminal leave or compulsory retirement [under on normal licence fee FR 56(j)], retirement on deputation from ineligible organisations during the initial constitution of such organisation, technical resignation, death of allottee on reemployment (irrespective of retention availed on retirement) and death of an allottee who is not a regular Government servant or deputation outside India.	six months on normal licence fee
3	Transfer to a place outside from the existing place, transfer to an ineligible office, on proceeding on foreign service in India, temporary transfer in India or transfer to a place outside India or deputation within India.	Two months on normal licence fee plus six months on double licence fee.
4	To eligible spouse or ward in case of death of the allottee	Twelve months on normal licence fee and for a further period of twelve months on normal licence fee provided the deceased or any member of the family does not own a house in Delhi/NCR.
5	Study leave outside India	For the period of leave but not exceeding six months
6	Study leave in India	For the period of leave but not exceeding six months
7	Leave on medical grounds	For the full period of leave

## 20. Change of accommodation in same type or entitled higher type of accommodation-

- (1) An allottee to whom an accommodation has been allotted under these rules may apply for a change to another same type of accommodation only after taking physical possession of accommodation allotted under initial allotment.
- (2) Only one change shall be allowed in the same type of accommodation to the allottee.
- (3) An allottee, who intends to change the accommodation already allotted to him/her shall make an application in the form specified by Lok Sabha Secretariat, and thereafter, the name of such allottee shall be included in the concerned type unified waiting list.
- (4) The date of priority or the inter-se seniority of the allottees in the waiting list for change of accommodation in respect of Type I to Type VIB shall be as applicable to initial allotment.
- (5) The change of same type of accommodation shall be offered as per the priority in accordance with these rules and having regard to the allottee's preference:

Provided that no change in the same type of accommodation shall be allowed to an allottee within six months of the date of superannuation.

- (6) If an allottee fails to accept a change of accommodation offered to him/her within eight days of issue of such offer or allotment, he/she shall not be considered again for a change of accommodation for one year from the date of non-acceptance for that type of accommodation.
- (7) An allottee who, after accepting a change of accommodation fails to take possession of the same, shall be charged one month licence fee for such accommodation in accordance with the provisions of these rules in addition to the normal licence fee for the accommodation already in his/her possession the allotment of which shall continue to subsist:

Provided that if CPWD fails to make the accommodation offered on change habitable within the prescribed time period, a certificate from the concerned Executive Engineer shall be furnished in this regard by CPWD and allottees will be exempted from payment of licence fee for the intervening period in such cases.

(8) Where an allottee, who is in occupation of an accommodation, is allotted another accommodation and he/she occupies the new accommodation, the allotment of former accommodation shall be deemed to have been cancelled from the date of physical occupation of the new accommodation:

Provided that such date of occupation, the allottee may, retain the former accommodation on payment of normal licence fee for a period of thirty days for shifting to the newly allotted accommodation:

Provided further that if the previous accommodation is not vacated within a period of thirty days, the allottee shall be liable to pay damages for use and occupation of the previous accommodation, furniture and garden charges as may be determined by the Government from time to time with effect from the 31<sup>st</sup> day from the date of physical occupation of the new accommodation and the accommodation slotted in the change shall be deemed to have been cancelled under these rules.

(9) The allottee shall ensure before applying for change of accommodation that he continues to be entitled for that type of accommodation on the basis of revised entitlement as well as other conditions governing such change of accommodation and the respective allotment authority or estate office shall verify this fact before accepting the prescribed acceptance form of the applicant.

(10) No change of accommodation shall be allowed to an allottee under this rule if an enquiry is under progress against the allottee on the charge of subletting.

#### **21. Change of accommodation in the event of death of a member of family-**

Notwithstanding anything contained in these rules, an allottee may be allowed a change of accommodation on the death of any member of his/her family if he applies for a change within six months of such occurrence, provided that the change will be given in the same type of accommodation, same floor and in the same area as the accommodation already allotted to the allottee.

#### **22. Shifting of allottees in case of quarrel between neighbours-**

(1) Any complaint relating to quarrel between neighbours in Government colonies shall be examined in detail by the Superintending Engineer (Civil), CPWD looking after maintenance of accommodation, who shall then make his/her recommendations to the Lok Sabha Secretariat.

(2) The allottee found guilty under this rule shall be shifted to another accommodation in the same locality but at a distance from the accommodation of the allottee with whom she/he had picked up quarrel, or to another nearby or remote locality, depending upon the nature of the offence or situation.

(3) If the allottee so shifted to another place again picks up quarrel with his/her neighbours, his/her allotment shall be cancelled and he shall be debarred from allotment of accommodation for a period varying from one year to two years depending upon the nature of the offence:

Provided that if the allottee who is debarred under this sub-rule, on subsequent allotment again picks up a quarrel with his/her neighbour and is found guilty, he/she shall be declared ineligible for further allotment of accommodation permanently and such declaration shall be made with the approval of the competent authority.

#### **23. Allotment of alternate accommodation or regularisation of accommodation in the name of a certain person in case of death of an allottee-**

(1) In the event of death of an allottee, the same accommodation may be regularized in the name of the spouse or ward of the deceased allottee, if the spouse or ward is entitled for it.

(2) In case, the entitlement of the spouse or ward is a lower type than the accommodation allotted to deceased allottee, an alternate entitled type of accommodation may be regularized in the name of spouse or ward.

(3) In case, the spouse or ward is entitled for higher type of accommodation than the accommodation allotted to the deceased allottee, an alternate one type below the entitled accommodation may be allotted to the spouse or ward subject to a maximum of Type V accommodation on payment of normal licence fee or fulfillment of the following conditions, namely:-

- (i) the spouse or ward had been residing with the deceased allottee for at least three years prior to the death of the allottee and has not drawn house rent allowance for this period and in case such spouse or ward is in the service of Lok Sabha Secretariat for less than three years, then he/she has not drawn house rent allowance since the date of his/her joining the Lok Sabha Secretariat service;
- (ii) the spouse or the ward joins the Lok Sabha Secretariat within a period of two years after the death of the allottee and the accommodation in occupation has not been vacated.

Explanation- For the purpose of this rule, “ward” shall include- (a) a married daughter, working in Lok Sabha Secretariat, irrespective of the fact that the deceased allottee is having a son,

- who is also employed in Lok Sabha Secretariat, and he is in a position to maintain the parents; (b) a daughter-in-law, working in Lok Sabha Secretariat;
- (iii) request for regularization/allotment of alternate accommodation may be considered in case the spouse/ward gets employment in Lok Sabha Secretariat even after the death of the allottee, provided the appointment is secured within a period of two years after the death of the allottee and the accommodation in occupation has not been vacated;
  - (iv) the above concession will be allowed in cases where the deceased Officer or spouse/ ward is not owning a house in Delhi/NCR;
  - (v) there are no arrears of licence fee/ damage outstanding against the deceased allottee;
  - (vi) the facility of regularisation or allotment of alternate accommodation shall be admissible under rules irrespective of the date of priority of the spouse or ward.
  - (vii) the application for regularisation or allotment of alternative accommodation shall be submitted before the expiry of the permissible period of retention after the date of death or from the date of appointment of the spouse or ward in Lok Sabha Secretariat service, whichever is later.
  - (viii) all dues outstanding in respect of the accommodation occupied by the deceased allottee shall be cleared before submission of the application for regularisation or alternate allotment.
  - (ix) the pay of the spouse or ward shall be taken into account for determining the entitled type of accommodation as per these rules on the date of regularisation of the spouse or ward.
  - (x) the alternate allotment in the name of the spouse or ward will be made, to the extent possible, in the same area, failing which in a nearby area.
  - (xi) the ward in whose name regularisation of alternate accommodation is to be made shall give an undertaking to the extent that the spouse of the deceased allottee, as the case may be, shall reside with such ward in the allotted accommodation after regularisation or after allotment of alternate accommodation.

**24. Allotment of alternate accommodation or regularisation of accommodation in the name of certain person in case of retirement of an allottee-**

- (1) In the event of retirement of an allottee, the same Lok Sabha Secretariat Pool accommodation may be regularised in the name of the spouse or ward of the retired allottee, if the spouse or ward is entitled for it.
- (2) In case, the entitlement of the spouse or ward is a lower type than the accommodation allotted to a retired allottee, an alternate entitled type of accommodation may be regularised in the name of spouse or ward.
- (3) In case, the spouse or ward is entitled for higher type of accommodation than the accommodation allotted to the retired allottee, an alternate one type below the entitled accommodation may be allotted to the spouse or ward subject to a maximum of Type V accommodation on payment of normal licence fee and on fulfilment of the following conditions:-
  - (i) the spouse or ward has been residing continuously for at least three years with the retiring allottee prior to his/her retirement and has not drawn house rent allowance for this period and in case such spouse or ward is in the service of Lok Sabha Secretariat for less than three years, then, he/she has not drawn house rent allowance since the date of his/her joining the Lok Sabha Secretariat service;
  - (ii) the spouse or ward joins the Lok Sabha Secretariat within the permissible period of retention and the accommodation in occupation has not been vacated.
- (4) In case of more than one eligible ward, the retiring official will have the option to exercise his/her choice in favour of his/her wards.

Explanation-For the purpose of this rule, "ward" shall include-

- (a) a married daughter, working in Lok Sabha Secretariat, irrespective of the fact that the retiring allottee is having a son, who is also employed in Lok Sabha Secretariat, and he is in a position to maintain the parents;
- (b) a daughter-in-law, working in Lok Sabha Secretariat.

**25. Non-admissibility for regularisation or alternate accommodation-**

The facility of regularisation or allotment of alternate accommodation under the above rules (23 and 24) shall not be admissible in the following cases:-

- (a) where the allottee or any member of his/her family owns a house in Delhi/NCR: Provided that either one type below accommodation or same accommodation may be regularised in the name of spouse or ward whose date of priority is covered on the date of retirement of the retiring allottee or on the date of death of the deceased allottee, irrespective of being a house-owner in Delhi/NCR subject to such conditions as applicable to house owning allottees and as per the guidelines issued by the Lok Sabha Secretariat from time to time;
- (b) where the allottee has become ineligible for allotment of accommodation, due to any reason, on or before the date of his/her death or retirement; and
- (c) in the event of resignation from Lok Sabha Secretariat.
- (d) in case where the allottee was in possession of Lok Sabha Secretariat Pool accommodation and the ward/spouse is not eligible for allotment of accommodation of Lok Sabha Secretariat Pool and/or vice-versa.

**26. Discretionary allotment of accommodation-**

Discretionary allotments to serving Lok Sabha Secretariat Officers shall be permitted only on medical and functional grounds. The discretionary allotment of accommodation for medical and functional grounds shall be governed by the guidelines issued by the Lok Sabha Secretariat from time to time.

**27. Inter-pool exchange of accommodation between Lok Sabha Secretariat Pool residential accommodation and General Pool-**

Inter-pool transfer of accommodation may be made on mutual consent of Lok Sabha Secretariat and Directorate of Estate.

**28. Surrender of an allotment of accommodation-**

- (1) An allottee may surrender an allotment of accommodation at any time during the allotment period.
- (2) An allottee who surrenders the accommodation shall not be considered again for allotment of accommodation for a period of one year from the date of such surrender.

**29. Maintenance of accommodation by the allottee-**

(1) The allottee to whom a residential accommodation has been allotted shall maintain the accommodation and premises in a clean condition and such allottee shall not grow any tree, shrubs or plants contrary to the instructions issued by the Government or by its maintenance agencies nor cut or lop off any existing tree or shrubs in any garden, courtyard or compound attached to the accommodation save with the prior permission in writing of the concerned maintenance agencies.

(2) Trees, plantation or vegetation, grown in contravention of this rule may be caused to be removed by the concerned maintenance agencies at the risk and cost of the allottee concerned.

**30. Cooperation with maintenance agencies by the allottees to carry out repair works-**

- (1) All allottees of accommodation will cooperate with respective maintenance agencies of residential accommodation in Government colonies in carrying out all kinds of repair or renovation works.
- (2) In case a complaint for non-cooperation is received from the maintenance agency against any allottee, strict action shall be taken against him/her as per these rules and the instructions issued by the Lok Sabha Secretariat from time to time.

**31. Misuse of accommodation for trade or business or any other unauthorised activity-**

- (1) The accommodation shall be used for residential purposes only by the allottee and other authorised persons as per these rules.
- (2) Action shall be taken against the allottee for unauthorised use of the allotted accommodation as per these rules and instructions issued by the Lok Sabha Secretariat/Directorate of Estate in this regard from time to time.

**32. Payment of requisite charge or fee to public utility services-**

- (1) The allottees of accommodation shall pay the charges and fees to all utility services such as electricity, water, gas etc., regularly on receipt of the bill for such payment.
- (2) In case an allottee has not paid the dues to the public utility authorities before vacation or surrender of the accommodation, vacation or surrender of accommodation shall not be accepted by the maintenance agency.

**33. Unauthorised constructions in Government colonies-**

(1) No unauthorised construction shall be allowed in Government residential colonies and the unauthorised constructions, if any shall be removed or demolished by the concerned maintenance agency or the Estate Officer notified under the Public Premises (Eviction of unauthorised occupants) Act, 1971(40 of 1971), as the case may be in accordance with the provisions of that Act.

(2) In case any further unauthorised construction is found in the accommodation of the same allottee, the accommodation provided to such allottee shall be cancelled from the date of inspection of the accommodation and he shall be debarred for allotment of accommodation for remaining period of service in future.

(3) The procedure for dealing with cases relating to unauthorised construction or encroachment in accommodation or public premises and the responsibilities of respective maintenance agencies shall be specified from time to time.

**34. Unauthorised occupation after cancellation of allotment-**

Where, after an allotment of accommodation has been cancelled or is deemed to have been cancelled under any provisions of these rules, the accommodation remains or has remained in occupation of the allottee to whom it was allotted or of any person claiming through, such allottee shall be liable to pay damages for use and occupation of the accommodation, services, furniture and garden charges, as may be determined by the Central Government from time to time.

**35. Issue of vacation notice and show cause notice to the allottees-**

(1) The vacation notice shall be issued to all the allottees of accommodation or to their families at least fifteen days before the date of expiry of the permissible period of retention.

(2) In case where the allottees have not vacated the quarters after expiry of permissible retention period, the concerned authority will issue show cause notice to such unauthorised occupants under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971).

**36. Disciplinary proceedings against persons who fail to vacate temporary allotment of accommodation-**

(1) The temporary accommodation allotted for marriage and other social purpose shall be vacated on expiry of the allotment period.

(2) In case of failure to vacate the allotted accommodation the matter shall be referred to the Estate Officer for appropriate disciplinary action against him/her and damages shall be charged for such unauthorised occupation.

**37. Subletting of accommodation –**

(1) The allottee shall reside in the accommodation allotted to him/her with his/her family and immediate relations.

(2) In case any relationship ceases by any order of court of law, such relation shall not reside with the allottee.

(3) The servant quarters, out-houses and garages may be used for the bonafide purposes only.

(4) The allottee who shares the accommodation with his/her family or immediate relations shall furnish prior intimation to the Lok Sabha Secretariat furnishing full particulars of his/her family members or immediate relations residing in the accommodation allotted to him/her:

Provided that the details of guests, if such guest is likely to stay for more than fifteen days in the accommodation, shall be intimated to the Lok Sabha Secretariat, intimating full particulars of the individual or individuals.

(5) If an Officer to whom a residence has been allotted unauthorisedly sublets the residence or charges rent from the sharer or erects any unauthorized structure in any part of the residence or uses the residence or any portion thereof for any purposes other than that for which it is meant or tampers with the electric or water connection or commits any other breach of these rules or of the terms & conditions of the allotment or uses the residence or premises or permits or suffers the residence or premises to be used for any purpose which the Estate Officer considers to be improper or conducts himself/herself in a manner which in his/her opinion is prejudicial to the maintenance of harmonious relations with his/her neighbours or has knowingly furnished incorrect information in any application or written statement with a view to securing the allotment, the Estate Officer may, without prejudice to any other disciplinary action that may be taken against him/her, cancel the allotment of the residence:

Explanation.-In this sub-rule, the term "allottee" includes, unless the context otherwise required, a member of his/her family and any person claiming through the allottee.

(6) If an Officer sublets a residence allotted to him/her or any portion thereof or any of the out-houses or garages thereto, in contravention of these rules, he may, without prejudice to any other action that may be taken against

him/her, be charged enhanced licence fee as per rules. The quantum of licence fee to be recovered and the period for which the same may be recovered in each case will be decided by the Estate Officer on merits. In addition, the Officer may be debarred from sharing the residence for a specified period in future as may be decided by the Estate Officer.

(7) Where action to cancel the allotment is taken on account of unauthorized subletting of the premises by the allottee, a period of sixty days shall be allowed to the allottee, and any other person residing with him/her therein to vacate the premises. The allotment shall be cancelled with effect from the date of vacation of the premises or expiry of the period of sixty days from the date of the orders for the cancellation of the allotment, whichever is earlier.

(8) The Estate Officer shall be competent to take all or any of the actions under sub-rules (5) to (7) of this Rule and also to declare the Officer, who commits a breach of these rules or of the instructions issued to him/her, to be ineligible for allotment of residential accommodation for a period not exceeding three years.

(9) Where any penalty under this rule is imposed by the Estate Officer, the aggrieved person may, within twenty one days of the receipt of the order by him/her imposing the penalty, file a representation to the Secretary-General of the Lok Sabha through the Estate Officer.

(10) The Lok Sabha Secretariat shall be competent to- a) take all or any of the actions provided under this rule; and b) declare the allottee to be ineligible for allotment of residential accommodation for the remaining period of his/her service;

(11) The procedure to conduct subletting inspections by the authorised officials shall be such as may be specified by the Lok Sabha Secretariat from time to time.

(12) Cancellation of allotment of accommodation or otherwise of the cases suspected of subletting shall be decided by the competent authority after inquiry providing equal opportunity to the allottee.

### **38. Payment of licence fee for accommodation-**

(1) The rates of licence fee shall be charged from allottees and other ineligible officer or organisation for allotment of Lok Sabha Pool accommodation at such rates as may be specified by the Government/Lok Sabha Secretariat from time to time.

(2) Where the allotment of accommodation or alternative accommodation has been accepted, the liability for licence fee shall commence from the date of physical occupation of the accommodation.

(3) An allottee who, after acceptance, fails to take possession of that accommodation within five working days from the date of receipt of the authority letter shall be charged one month licence fee from the date of allotment:

Provided that this provision shall not apply in case the maintenance agency does not hand over the accommodation in a habitable condition to the allottee within the prescribed period or the accommodation is not ready for physical occupation for any other reason.

(4) The allottee to whom an accommodation has been allotted shall be personally liable for the payment of licence fee and for any damage beyond fair wear and tear caused thereto or to the furniture, fixture or fittings or services provided therein by the Government during the period for which the accommodation has been and remains allotted to him/her, or where the allotment has been cancelled under any of the provisions of these rules, until the accommodation along with the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to Lok Sabha Secretariat.

(5) The rates of damages for unauthorised occupation or subletting or misuse of accommodation, servant quarter or garage shall be specified by the Lok Sabha Secretariat from time to time.

(6) All the allottees of accommodation shall pay the requisite licence fee in advance for retention of the accommodation allotted to them.

(7) Where the allottee to whom an accommodation has been allotted is neither a permanent nor a quasi-permanent Government servant, he shall execute a surety bond in the form prescribed in this behalf by the Lok Sabha Secretariat with a surety who shall be a permanent Officer of the Lok Sabha Secretariat for due payment of licence fee and other charges due from him/her in respect of such accommodation and any other accommodation provided in lieu.

(8) If the surety ceases to be in service of Lok Sabha Secretariat or becomes insolvent or ceases to be available for any other reasons, the allottee shall furnish a fresh bond executed by another surety within thirty days from the date of his/her acquiring knowledge of such event or fact; and if he fails to do so, the allotment of the accommodation to him/her shall, unless otherwise decided by the Secretary-General of Lok Sabha, be deemed to have been cancelled with effect from the date of that event.

### **39. Continuance of allotment made prior to these rules-**

Any valid allotment of a residence which immediately before the commencement of these rules is subsisting under the rules then in force shall be deemed to be an allotment duly made under these rules notwithstanding that the

officer to whom it has been made is not entitled to a residence of that type under Rule and all the provisions of these Rules, shall apply in relation to that allotment and that officer accordingly.

#### 40. Interpretation –

If any question arises relating to the interpretation of the Rules, it shall be referred to the Speaker of the Lok Sabha for decision.

#### 41. Power to relax rules-

The Speaker may relax all or any of the provisions of these rules in the case of any officer or residence or class of officers or type of residences.

#### 42. Delegation –

The Secretary-General of the Lok Sabha may, from time to time, by general or special order, direct that any power exercisable by him/her under these rules (except the powers under this rule) shall, subject to such conditions, if any as may be specified in the order, be exercisable also by such officer of the Lok Sabha Secretariat as may be specified in the order.

[F. No. 022/1/2022/213952]

SIDDHARTH MAHAJAN, Jt. Secy.

**Notification:** The Principal Rules were published in the Gazette of India *vide* number G.S.R. 576, dated the 1<sup>st</sup> May, 1974 and subsequently amended *vide* the following numbers:

1	G.S.R. 279(E), dated 17 <sup>th</sup> June, 1977
2	G.S.R. 566(E), dated 1 <sup>st</sup> December, 1978
3	G.S.R. 439(E), dated 7 <sup>th</sup> July, 1979
4	G.S.R. 1110(E), dated 26 <sup>th</sup> September, 1986
5	G.S.R. 1011(E), dated 22 <sup>nd</sup> December, 1987
6	G.S.R. 3(E), dated 1 <sup>st</sup> January, 1997
7	G.S.R. 67 (E), dated 6 <sup>th</sup> February, 1997
8	G.S.R. 142(E), dated 20 <sup>th</sup> March, 1998
9	G.S.R. 247(E), dated 6 <sup>th</sup> May, 1998
10	G.S.R. 621(E), dated 14 <sup>th</sup> October, 1998
11	G.S.R. 81(E), dated 8 <sup>th</sup> February, 1999
12	G.S.R. 742(E), dated 13 <sup>th</sup> October, 2008
13	G.S.R. 314(E), dated 3 <sup>rd</sup> May, 2009
14	G.S.R. 799(E), dated 26 <sup>th</sup> December, 2013
15	G.S.R. 259(E), dated 20 <sup>th</sup> February, 2017



ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)  
ಸಹಾಯಕ ಪ್ರಾರೂಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-23**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 43 ಕೇನಿಪು 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10.01.2024.  
ದಿನಾಂಕ: 29.11.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Van (Sanrakshan Evam Samvardhan)  
Rules, 2023ರ Notification-GSR 869(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ  
ರಾಜ್ಯಪತ್ರದಲ್ಲಿ ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

**NOTIFICATION**

New Delhi, the 29th November, 2023

**G.S.R. 869(E).**—In exercise of the powers conferred by sub-section (1) of section 4 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980) and in supersession of the Forest (Conservation) Rules, 2022, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

**1. Short title, extent and commencement.—(1)** These rules may be called the Van (Sanrakshan Evam Samvardhan) Rules, 2023.

**(2)** They shall come into force on the 1<sup>st</sup> Day of December 2023.

**2. Definitions.—(1)** In these rules, unless the context otherwise requires, -

- (a) “accredited compensatory afforestation” means a system of proactive afforestation to be used for obtaining prior approval under sub-section (1) of section 2 of the Adhiniyam.
- (b) “Adhiniyam” means the Van (Sankashan Evam Samvardhan) Adhiniyam, 1980 (69 of 1980);
- (c) “Advisory Committee” means the Advisory Committee constituted under section 3 of the Adhiniyam;
- (d) “compensatory afforestation” means afforestation done in lieu of the diversion of forest land for non-forest purpose under the Adhiniyam;
- (e) “compensatory levies” includes all money and funds specified in clauses (iii) and (iv) of sub-section (3) of section 4 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016);
- (f) “Conservator of Forests” means Conservator of Forests, Chief Conservator of Forests, the Regional Chief Conservator of Forests or an officer equivalent to Conservator of Forests appointed by the State Government or Union territory Administration to hold the charge of a forest circle having jurisdiction over the forest land for which the prior approval of the Central Government is required;
- (g) “Deputy Director General of Forests (Central)” means head of the Regional Office appointed by the Central Government;
- (h) “dereservation” means an order issued by the State Government or Union territory Administration or any authority thereof, for change in the legal status of a land statutorily or otherwise recognised as forest to any other category of land;
- (i) “diversion” means an order issued by the State Government or Union territory Administration or any authority thereof for the use of any forest land for non-forest purpose or assignment of a lease of any forest land for non-forest purpose;
- (j) “District Collector” includes Deputy Commissioner, to hold the charge of the Administration of the revenue district having jurisdiction over the forest land for which the prior approval of the Central Government under the Adhiniyam is required;
- (k) “Divisional Forest Officer” means Divisional Forest Officer, Deputy Conservator of Forests or an officer equivalent to the Divisional Forest Officer or Deputy Conservator of Forests appointed by the State Government or Union territory Administration to hold the charge of a Forest Division having

jurisdiction over the forest land for which the prior approval of the Central Government under the Adhiniyam is required;

- (l) “land bank” means the lands identified or earmarked, as the case may be, by the State Government and Union territory Administration for raising compensatory afforestation in lieu of forest land proposed for diversion or diverted under the Adhiniyam;
  - (m) “linear project” means project involving linear diversion of forest land for the purposes such as roads, pipelines, railways, transmission lines, slurry pipeline, conveyor belt etc.;
  - (n) “National Working Plan Code” means a code prepared by the Central Government for the preparation of Working Plans;
  - (o) “Nodal Officer” means any officer not below the rank of Chief Conservator of Forests, authorised by the State Government or Union territory Administration, as the case may be, or the senior most officer in the Forest Department of the concerned Union territory, if there is no post of Chief Conservator of Forests or above in the Department, for the purpose of implementation of the Adhiniyam and rules thereof and to deal with and to make correspondence with the Central Government, in the matter of forest conservation;
  - (p) “Project Screening Committee” means the Project Screening Committee constituted under rule 8;
  - (q) “Regional Empowered Committee” means the Regional Empowered Committee constituted under sub-rule (1) of rule 6;
  - (r) “Regional Office” means a Regional Office established by, and controlled by the Central Government for the purpose of these rules;
  - (s) “survey” means any activity to be taken up prior to initiating commissioning of a project or any activity undertaken for the purpose of exploring, locating or proving mineral deposits including coal, petroleum and natural gas before carrying out actual mining in the forest land, that includes survey, investigation, prospecting, exploration, including drilling therefor, etc.;
  - (t) “technological tool” means Geographical Information System based digital tools such as Decision Support System facilitating the decision making process of proposal seeking prior approval under the Adhiniyam;
  - (u) “user agency” means any person, organisation or legal entity or company or Department of the Central Government or State Government or Union territory Administration submitting a proposal under section 1 of the Adhiniyam;
  - (v) “working permission” means permission granted to linear projects before final approval to mobilise the resources to commence the preliminary project work other than black topping, concretisation, laying of railway tracks, charging of transmission lines, etc. or as specified in the in-principle approval;
  - (w) “Working Plan” means the document prepared as per the provisions of the National Working Plan Code published by the Central Government from time to time and having prescriptions for scientific management of the forests of a particular Forest Division for a specified period;
- (2) Words and expressions used herein and not defined in these rules but defined in the Adhiniyam shall have the same meaning as respectively assigned to them in the Adhiniyam.

**3. Constitution of Advisory Committee. - (1)** The Central Government may, by an order, constitute an Advisory Committee to advise the Central Government with regards to the grant of approval under sub-section (1) of section 2 in respect of proposals referred under sub-rule (2) of rule 10; and any matter connected with the conservation of forests referred to the Advisory Committee by the Central Government.

**(2)** The Advisory Committee shall consist of the following persons, namely: -

- (a) Director General of Forests, Ministry of Environment, Forest and Climate Change – Chairperson;
- (b) Additional Director General of Forests, dealing with the forest conservation in the Ministry of Environment, Forest and Climate Change – Member;
- (c) Additional Director General of Forests, dealing with wildlife in the Ministry of Environment, Forest and Climate Change – Member;
- (d) Additional Commissioner (Soil Conservation), Ministry of Agriculture and Farmers’ Welfare – Member;
- (e) Three non-official experts to be nominated by the Central Government representing one each from the fields of ecology, engineering and development economics – members;

- (f) Inspector General of Forests dealing with forest conservation and Adhiniyam thereof – Member-Secretary

(3) The Chairperson may co-opt the domain experts as special invitees to a meeting of the Advisory Committee.

(4) The Chairperson shall preside over the meeting of the Advisory Committee and in his absence, the Additional Director General of Forests, dealing with forest conservation, in the Ministry of Environment, Forest and Climate Change shall preside over the meeting.

**4. Terms and conditions of non-official Members of Advisory Committee. –**

- (1) A non-official Member shall hold his office for a period of up to two years from the date of his nomination or as specified by the Central Government.
- (2) A non-official Member shall cease to hold office if he becomes of unsound mind, or insolvent or is convicted for an offence which involves moral turpitude.
- (3) A non-official Member may be removed from his office if he fails to attend three consecutive meetings of the Advisory Committee without any sufficient cause or reason.
- (4) Any vacancy caused by any reason mentioned in clauses (b) and (c) shall be filled by the Central Government for the remaining term of two years.
- (5) The non-official Members of the Advisory Committee shall be entitled to a travelling allowance and daily allowance as are admissible to an officer of the Government of India holding Group 'A' post.
- (6) Provided that where a Member of the Parliament or a Member of a State Legislature has been appointed as a member of the Advisory Committee, he shall be entitled to the travelling allowance and daily allowances in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature, as the case may be.

**5. Conduct of business of the Advisory Committee.—**(1) The Chairperson of the Advisory Committee shall call the meeting of the Committee at least once a month, whenever considered necessary;

- (2) the meeting of the Advisory Committee shall ordinarily be held at New Delhi except when the Chairperson considers it necessary to inspect the proposed land, then the Chairperson may direct the meeting to be held at a place from where the proposal can be inspected.
- (3) the quorum of the meeting of the Advisory Committee shall be five including the Chairperson.
- (4) The Member-Secretary shall prepare an agenda of the meeting and present the proposals and matters referred to the Advisory Committee by the Central Government.
- (5) The Advisory Committee shall examine in its meeting the proposal or the matter and, in urgent cases, the Chairperson may direct the proposal or the matter to be sent to the members for their opinion, which shall be furnished to the Committee within the stipulated time.
- (6) the user agency may be allowed to attend the meeting of the Advisory Committee for such duration as may be necessary to furnish such information or clarify any issue which may pertain to it.
- (7) After the examination of the proposal or the matter, the Advisory Committee shall make its recommendation/advise to the Central Government.

**6. Constitution of Regional Empowered Committee.—**(1) The Central Government may, by an order, constitute a Regional Empowered Committee at each of the Regional Offices to examine proposals referred to it under sub-rule (3) of rule 10 and grant approval or rejection of proposals under sub-section (1) of section 2.

- (2) The Regional Empowered Committee at each of the Regional Offices shall consist of the following persons, namely: -
  - (a) Deputy Director General of Forests (Central) or an officer nominated by the Central Government – chairperson;
  - (b) Three non-official members from amongst eminent persons who are experts in the field of forestry and allied disciplines – members;
  - (c) The senior-most officer amongst officers of the rank of Conservator of Forests and Deputy Conservator of Forests in the Regional Office – member-secretary.
- (3) The chairperson of the Regional Empowered Committee may co-opt the domain experts as special invitees to the meeting.

- (4) One representative each from the Forest Department and Revenue Department of the State or the Union territory Administration, not below the rank of Director to the Government of India, shall be invited by the Regional Empowered Committee to attend the meeting as a special invitee, in the examination of the proposals.

**(5) Terms and conditions of non-official members of Regional Empowered Committee.—**

- (1) A non-official member shall hold his office for a period of up to two years from the date of his nomination.
- (2) A non-official member shall cease to hold office if he becomes of unsound mind, insolvent, or is convicted for an offence involving moral turpitude.
- (3) A non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reason.
- (4) Any vacancy of a member in the Regional Empowered Committee caused by any reason mentioned in sub-rules (2) and (3) shall be filled by the Central Government for the remaining term of the member in whose place vacancy has arisen.
- (5) The non-official members of the Regional Empowered Committee shall be entitled to a travelling allowance and daily allowance as are admissible to an officer of the Government of India holding Group 'A' post carrying the same scale of pay.
- (6) Provided that where a Member of the Parliament or a Member of a State Legislature has been appointed as a member of the Advisory Committee, he shall be entitled to the travelling allowance and daily allowances in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature, as the case may be.

**7. Conduct of business of Regional Empowered Committee.** —The Regional Empowered Committee shall conduct its business as follows, namely:—

- (1) The chairperson of the Regional Empowered Committee shall hold the meeting whenever considered necessary, but not less than once a month.
- (2) The meetings of the Regional Empowered Committee shall be held at the headquarters of the Regional Office:

Provided that where the chairperson of the Regional Empowered Committee is satisfied that inspection of site of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal referred, he may direct that the meetings of the Regional Empowered Committee be held at a place other than headquarters of the Regional Office for such inspection of site;

- (3) The chairperson of the Regional Empowered Committee shall preside over the meeting of the Regional Empowered Committee and in his absence, Deputy Director General of Forests holding the charge of other Regional Office or Inspector General of Forests dealing with the matter related to the Adhiniyam, as may be authorised by the Central Government, may chair the meeting of the Regional Empowered Committee.

- (4) Every proposal referred to the Regional Empowered Committee for advice or decision shall be considered in the meeting of the Regional Empowered Committee:

Provided that in urgent case, the chairperson of the Regional Empowered Committee may direct that documents may be circulated and sent to the members of the Regional Empowered Committee for their opinion within the stipulated time.

- (5) The quorum of the meeting of the Regional Empowered Committee shall be three.
- (6) The user agency may be allowed to remain present for such duration during a meeting as may be necessary to furnish such information or clarify any issue which may pertain to it.
- (7) The member-secretary shall prepare agenda of the meeting and present the proposals and matters connected with the Adhiniyam before the committee for making appropriate recommendations and decisions thereafter.

**8. Constitution of Project Screening Committee.—**(1) The State Government and Union territory Administration may, by an order, constitute a Project Screening Committee to examine the completeness of the proposal submitted under clauses (i), (ii) or (iii) of sub-section (1) of section 2 of the Adhiniyam.

- (2) The Project Screening Committee shall consist of the following persons, namely:-

- a. Nodal Officer – chairperson;
- b. Concerned Chief Conservator of Forests/ Conservator of Forests – member;
- c. Concerned Divisional Forest Officer- member;
- d. Concerned District Collector or his representative (Not below the rank of Deputy Collector) –member;
- e. Divisional Forest Officer in the office of Nodal Officer- member-secretary

(3) The Project Screening Committee shall meet at least twice every month and the quorum of the meeting of the Project Screening Committee shall be three.

(4) The Project Screening Committee shall, after examination of the proposals, make recommendation to the State Government or Union territory Administration, as the case may be.

**9. Proposals for prior approval of Central Government.—**(1) The approval shall be accorded by the Central Government in two stages, namely, (i) 'In- Principle' approval; and (ii) 'Final' approval.

(2) The user agency shall submit an application to the State Government or Union territory Administration for approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam for dereservation of forest land, use of forest land for non-forest purposes or for assignment of lease online, through the web portal of the Central Government.

(3) A proposal identity number shall be generated online for the proposal submitted by the user agency and the said identity number shall be used for all future references;

(4) The copy of the proposal shall be simultaneously forwarded to the concerned Divisional Forest Officers, District Collectors, Conservator of Forests, Chief Conservator of Forests and the Nodal Officer of the State Government or Union territory Administration each of whom shall independently undertake preliminary examination of the completeness of documentation of the proposal.

(5) The Project Screening Committee shall examine the proposal received from the State Government or Union territory Administration, except proposals involving forest land of five hectares or less, that the proposal is complete in all respects and the proposed activity is not in any restricted area or category.

(6) The Project Screening Committee, for the purpose of screening, may call the user agency for clarification or additional documents, if any.

(7) The Project Screening Committee shall examine the proposal for its completeness and correctness and ensure that deficiencies in the proposal, if any, are identified and the member-secretary shall inform in this regard to the user agency.

(8) The proposals returned to the user agency shall be re-submitted after addressing the deficiency, as identified under sub-rule (7) above, within a period of ninety days, failing which the proposal shall stand de-listed.

(9) In case the user agency submits the information within the given time the proposal will be re-examined by the Project Screening Committee and in case the proposal is not complete in all respect then the same will be de-listed for the reasons to be recorded in writing:

Provided that the after de-listing of the proposal by the Project Screening Committee, the user agency, after addressing the deficiencies, can re-list the proposal only once using the same proposal identity number, as generated under sub-rule (2) above, which will again be examined by the PSC as per procedure given in sub-rule (5) to (7) above and in case the proposal is found still incomplete, it will be rejected and deleted permanently from the portal.

(10) The complete proposal with the proposal identity number shall be forwarded to concerned Divisional Forest Officer concerned, District Collectors, Conservator of Forests or Chief Conservator of Forests for field verification.

(11) Where the forest land or part thereof included in the proposal is not under the management control of the Forest Department, the District Collector shall get the land schedule and map of the forest land included in the proposal authenticated online through joint verification by officers of the Revenue Department and Forest Department.

(12) In addition to every proposal verified in the field by the Divisional Forest Officer concerned, field inspection shall be simultaneously undertaken for every proposal that involves more than forty hectares of forest land by the Conservator of Forests concerned and for every proposal that involves more than hundred hectares of forest land by the Nodal Officer.

(13) The proposal, except involving forest land of five hectares or less, shall come up for consideration of the Project Screening Committee within the period specified in Schedule I, annexed to these rules, from

submission of the completed proposal under sub-rule (8), or (9), as the case may be, and the Project Screening Committee shall examine the feasibility of the proposal for the purpose of recommending it to the State Government or Union territory Administration along with mitigation measures to be adopted by the user agency:

Provided that the Project Screening Committee may seek from the user agency any clarification, additional detail or modification of the proposal in terms of change in forest land proposed for diversion on account of reasons such as minimising the requirement of forest land or minimising adverse impact on forest and wildlife, change in compensatory afforestation land proposed or change in measures proposed to be adopted by the user agency to mitigate the adverse impact of the project, and for this purpose it may ask the user agency to make a presentation:

Provided further that the proposal shall be reconsidered by the Project Steering Committee in case of timely submission of complete information and clarification and additional detail by the user agency online and in case the user agency modifies the original proposal substantially and makes major changes such as change in the forest land or land use plan, the Project Steering Committee may return the proposal to complete the steps given in sub-rule (7) to (11) and therefore the steps in this sub-rule shall also be repeated in such cases.

- (14) Where the user agency fails to submit correct information, additional detail or a modified proposal within the period as specified, the proposal shall stand rejected:

Provided that if the user agency satisfies the Project Screening Committee that the reason for the delay was beyond its control, the Project Screening Committee may reconsider the proposal, after the reasons to be recorded in writing and recommend it to the State Government or Union territory Administration, as the case may be;

- (15) The proposal involving forest land of up to five hectares, shall after their examination at the level of Divisional Forest Officer be forwarded by him directly to the Nodal Officer and the Nodal Officer shall forward such proposals to the State Government or Union territory Administration along with his recommendations:

Provided that Division Forest Officer, after receiving the proposals from the user agency, shall assess their completeness and incomplete proposal shall be returned to the user agency for re-submitting it with complete information.

- (16) The proposal involving forest land of more than five hectares, shall be forwarded by the Nodal Officer, with the approval of the Principal Chief Conservator of Forests, to the State Government or Union territory Administration, along with the Project Screening Committee's recommendation and the same shall also be forwarded to the Regional Office.
- (17) Where the State Government or Union territory Administration, as the case may be, decides not to dereserve, divert for non-forest purposes or assign on lease the forest land as indicated in the proposal, the same shall be intimated to the user agency by the Nodal Officer.
- (18) Where the State Government or Union territory Administration agrees 'In-Principle' to dereserve the forest land, divert for non-forest purposes or assign on lease the forest land as indicated in the proposal shall forward its recommendation to the Central Government.

#### **10. In-Principle approval of the proposal.—**

- (1) Except the proposals referred to in sub-rule (2), all proposals related to.-

- (i) linear projects;
- (ii) hydro electric power projects of upto 25 MW capacity proposed in the river basin where cumulative impact assessment to assess the carrying capacity of the river basing has been done
- (ii) forest land up to forty hectares; and
- (iii) use of forest land having canopy density up to 0.7 irrespective of their extent for the purpose of survey which are not covered under the exemptions provided under clause (iii) of sub-section (1) of section 2 of the Adhiniyam and Guidelines issued thereunder;

shall be examined in the Regional Office and disposed off in the manner specified in sub-rule (3).

- (2) All proposals, other than those referred to in sub-rule (1) and following proposals, namely:-

- (i) dereservation;
- (ii) mining;

- (iii) hydro electric power projects of more than 25 MW and those falling in a river basin where cumulative impact assessment study to assess the carrying capacity of river basin has not been done or policy decision on allowing the projects in a river basin has not been taken by the Central Government;
- (iv) regularisation of encroachment;
- (v) ex-post facto approval involving violation of the provisions of the Adhiniyam;

shall be examined and disposed of by the Central Government in the manner specified under these rules.

Provided that, no approval is required for assignment of petroleum exploration licence or petroleum mining lease where the physical possession or breaking of forest land is not involved:

(3) The proposals received under sub-rule (1) shall be examined by the Regional Office in the following manner, namely:-

- (i) all proposals involving forest land up to five hectares, shall be examined by the Regional Office for its completeness and after further enquiry or site inspection, as deemed necessary and giving due regard to the aspects listed under clause (ii) of sub-rule (5), 'In-Principle' approval or rejection may be granted by the Regional Office by recording the reasons.
- (ii) all linear proposals involving forest land of more than five hectares, all proposals for use of forest land having canopy density upto 0.7 for the purpose of survey irrespective of their extent and all other proposals involving the use of more than five hectares and up to forty hectares forest land, shall be referred, after examination of its completeness, by the Regional Office to the Regional Empowered Committee.
- (iii) the Regional Empowered Committee shall examine all proposals referred to it under clause (ii) and after further enquiry or site inspection as deemed necessary and giving due regard to the aspects listed under clause (ii) of sub-rule (5), may grant 'In-Principle' approval or reject the same by recording reasons.
- (iv) The decisions taken by the Regional Empowered Committee or the Deputy Director General of Forests to grant 'In-principle' approval or to reject a proposal, in accordance with the power delegated under this rule, as and when necessary or required, may be reviewed by Central Government and decision taken by the Central Government in such matters shall be the final.

(4) Site inspection report shall be prepared for proposals specified in sub-rule (2) by the Regional Office and the same shall be submitted to the Central Government for consideration by the Advisory Committee.

(5) The proposals received by the Central Government shall be examined in the following manner, namely:-

- (i) all proposals under sub-rule (2) along with the site inspection report as required under sub-rule (4) or as asked by the Central Government, shall be referred, after examination of its completeness, to the Advisory Committee.
- (ii) the Advisory Committee shall examine all proposals referred to it in clause (i), giving due regards, but not limited to, the following, and after further enquiry, as deemed necessary, shall make recommendation to the Central Government for consideration for approval:-
  - (a) the proposed use of the forest land is not for any non-site specific purpose such as agricultural purpose, office or residential purpose or for the rehabilitation of persons displaced for any reason;
  - (b) the State Government or the Union territory Administration, as the case may be, has certified that it has considered all alternatives and that no other alternative in the circumstances is feasible and that the required area is the minimum needed;
  - (c) the State Government or the Union territory Administration, as the case may be, before making his recommendation, has considered all issues having direct and indirect impacts on the diversion of forest land on the forest, wildlife and the environment;
  - (d) concerned mandates under the National Forest Policy;
  - (e) whether adequate justification has been given and appropriate mitigation measures have been proposed by the State Government or the Union territory Administration, as the case may be, if the forest land proposed to be used for non-forest purposes forms part of a national park, wildlife sanctuary, tiger reserve, designated or identified tiger or wildlife corridor, or habitat of any endangered or threatened species of flora and fauna or of an area lying in the severely eroded catchment; and



- (f) the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost or at the cost of the user agency the requisite extent of appropriate land, as per rule 13, for the purpose of carrying out compensatory afforestation.
- (6) While making recommendations under sub-rule (5), the Committee may also impose conditions or restrictions and such mitigation measures, which in its opinion would offset the adverse environmental impact of diversion of forest land under the proposal.
- (7) The Central Government shall, after considering the recommendation of the Advisory Committee, grant 'In-Principle' approval subject to fulfilment of stipulated conditions or reject and communicate the same to the State Government or the Union territory Administration, as the case may be, and to the user agency.
- (8) In case the proposal is found incomplete or information provided is found to be incorrect after its examination, the Central Government shall inform the State Government or Union territory Administration and user agency for furnishing the required information within a specified period.
- (9) The State Government or Union territory Administration on receipt of communication under sub-rule (8), may furnish the complete information, after which the proposal shall be considered for 'In-Principle' approval under these rules:

Provided, if the information sought pertains to the user agency, the user agency may directly furnish the requisite information to the Central Government with a copy to the State Government or Union territory Administration, and upon receipt of such information from the user agency, the Central Government, if it considers necessary, may seek comments of the concerned State Government or Union territory Administration, as the case may be, on the information furnished by the user agency or consider granting 'In-Principle' approval.

- (10) The State Government or the Union territory Administration, if so desire, after obtaining the 'In-principle' approval of linear proposal and deposition of compensatory levies such as compensatory afforestation and Net Present Value and cost of mitigation plans such as of the Wildlife Management Plan and Soil and Moisture Conservation Plan, as applicable, notification of the land identified for raising compensatory afforestation as Protected Forest under Indian Forest Act, 1927 (16 of 1927) or local forest Act and compliance of other statutes including the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), may grant 'working permission' for the commencement of project work before grant of 'Final' approval.

#### **11. Final approval of the proposal.—**

- (1) The Nodal Officer may, after receipt of the 'In-Principle' approval from the Central Government, communicate the same to the Divisional Forest Officers, District Collectors and Conservator of Forests.
- (2) On receipt of a copy of the 'In-Principle' approval, the Divisional Forest Officer shall prepare a demand note containing the item-wise amount of compensatory levies, as applicable, to be paid by the user agency and communicate the same to the user agency, along with a list of documents, certificates and undertakings required to be submitted by them in compliance with the conditions stipulated in 'In-Principle' approval.
- (3) The user agency shall, after receipt of the communication, make payment of compensatory levies and hand over the land identified for compensatory afforestation, a compliance report along with copies of documentary evidence including undertaking and certificate in respect of the payment of compensatory levies and handing over of compensatory afforestation land to the Divisional Forest Officer.
- (4) The Divisional Forest Officer, after having received the compliance report as referred to in sub-rule (3), shall examine its completeness and make his recommendations on the compliance report and forward the same to the Nodal Officer.
- (5) the Nodal Officer, after having received the compliance report, ensuring its completeness and obtaining approval of the Principal Chief Conservator of Forests of the State Government or head of the Department in case of Union territory Administration, shall forward such report with his recommendations to the State Government or Union territory Administration, as the case may be.
- (6) The Central Government after having received the compliance report and ensuring its completeness may accord 'Final' approval under sub-section (1) of section 2 of the Adhiniyam and communicate such decision to the State Government or Union territory Administration and the user agency.
- (7) The State Government or Union territory Administration, as the case may be, after receiving the 'Final' approval of the Central Government under sub-section (1) of section 2 of the Adhiniyam, and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest

Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007), shall issue order for diversion, assignment of lease or dereservation, as the case may be.

- (8) The final order of dereservation under clause (i) of sub-section (1) of section 2 of the Adhiniyam, wherever accorded, shall be published in the official Gazette by the State Government or Union territory Administration, as the case may be, informing dereservation of the forest land;
- (9) The whole process of obtaining approval shall be carried out in the online portal developed for this purpose.
- (10) Where compliance of condition imposed in the 'In-principle' approval is awaited from the State Government or Union territory Administration, as the case may be, for more than two years, the 'In-Principle' approval shall be deemed to be null and void:

Provided the Central Government may, for the reasons to be recorded in writing, in respect of proposals involving forest land of more than thousand hectares, where 'In-Principle' approval has been obtained, may consider grant of phase-wise 'Final' approval by the competent authority subject to compliance in respect of-

- (a) payment of compensatory levies and notification of land identified and accepted for raising Compensatory Afforestation, proportional to the part area for which compliance is submitted; and
  - (b) any other specific condition that the Central Government may deem fit to have been complied with.
- (11) After issue of final approval under sub- rule (7) and Gazette notification under sub-rule (8) the forest land concerned may be handed over or assigned, as the case may be, to the user agency by the State Government or Union territory Administration.
  - (12) The Regional Office shall monitor the compliance of all conditions imposed at the time of granting 'In-Principle' approval and the State Government or Union territory Administration and the user agency shall also monitor, at least once every year, the compliance of conditions imposed during 'In-Principle' approval and upload the monitoring report in the online portal.
  - (13) The entire process for processing the proposals by the various authorities in the State shall be completed within the time limit specified in **Schedule-I** appended to these rules.

## **12. Proposal seeking prior approval of Central Government for working plan.—**

- (1) The Nodal Officer of the State Government or Union territory Administration shall submit the draft Working Plan of a Forest Division, duly prepared in accordance with the provisions of the National Working Plan Code, along with the recommendation of the State Consultative Committee, in the online portal for prior approval of the Central Government.
- (2) The draft Working Plan shall include, *inter alia*, details of forest land diverted, corresponding Compensatory Afforestation lands and status of afforestation thereon.
- (3) the draft Working Plan submitted to the Central Government shall be examined by the Regional Office concerned for its conformity with National Working Plan Code, the National Forest Policy and with preamble of Adiniyam for conservation and augmentation of forests and the Regional Office may accord prior approval to the draft Working Plan along with conditions or without conditions or accord approval along with modification of the provision contained in the draft Working Plan and for a period as it deems fit, or reject the same by recording the reasons therefor.
- (4) The State Government or Union territory Administration or its designated officer shall carry out the prescriptions of the Working Plan to which the approval has been accorded by the Regional Office with respect to all or specific provision of the Working Plan and for the period for which the Working Plan has been approved.
- (5) The State Government or Union territory Administration shall undertake a mid-term review of the approved Working Plan and submit the review report along with its recommendation to the Regional Office and the Regional Office may, after examination, modify the condition of approval or issue a fresh prior approval by modifying the provision of the previously approved Working Plan for the remaining period or reject the recommendations of mid-term review by recording reasons therefor.
- (6) The Regional Office may also consider and approve eligible Annual Working Schemes, in case submitted by the State Government or Union territory Administration.
- (7) All proposals under clause (iv) of sub-section (1) of section 2, irrespective of the size of forest land involved, shall be submitted online by the State Government or Union territory Administration to the concerned Regional Office.

- (8) The proposals received under sub-rule (1) shall be examined by the Regional Office and after enquiry, the Regional Office may grant approval or reject the same by recording the reasons thereof;
- (9) The proposals involving whole or part of forest land bearing a canopy density of 0.4 or more or proposals involving clear-felling of forest land of size more than twenty hectares in plains and ten hectares in hills irrespective of canopy density, shall be forwarded to the Regional Empowered Committee and the Regional Empowered Committee shall deal in the manner specified under these rules and while examining the proposal, the Regional Office shall ensure that the final decision is in conformity with the National Working Plan Code, the National Forest Policy and with preamble of Adiniam for conservation and augmentation of forests.
- (10) For the purpose of these rules “clear-felling of forest land” means removal of all natural vegetation in whatever form occurring, by felling, uprooting or burning them and removing them from the forest land over one hectare in size or more, but other types of felling of trees of specified size or species, including their selection felling or coppice felling shall not be considered as clear felling.

**13. Creation of Compensatory Afforestation.—**(1) The user agency shall provide land which is neither notified as forest under the Indian Forest Act, 1927 (16 of 1927) or any other law nor managed as forest by the Forest Department and it shall also bear the cost of raising compensatory afforestation over such land and the requirement of Compensatory Afforestation land shall be as per the **Schedule-II** annexed to these rules:

Provided that in case the non-forest land or portion thereof provided by the user agency is not fit for raising compensatory afforestation of a specified density, then additional compensatory afforestation shall be raised on a degraded notified or unclassified forest land under the management control of the Forest Department which is twice in size of such shortfall in the given compensatory afforestation land and the user agency shall also bear the additional cost on such account:

Provided further that if the non-forest land being made available for compensatory afforestation already bears vegetation of 0.4 canopy density or more, there shall not be an additional requirement of planting of trees on such land but a programme for improvement of the forest crop shall be implemented by the Forest Department in a time-bound manner:

Provided also in exceptional circumstances when the suitable land required for compensatory afforestation under this clause is not available and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the compensatory afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of the Central Government agencies or Central Public Sector Undertakings on case to case basis:

Provided also in exceptional circumstances when the suitable land required for compensatory afforestation under this clause is not available, and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the compensatory afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of State Public Sector Undertakings for captive coal blocks on case to case basis:

Provided also in case the user agency acquires any non-forest land for the execution of the project, the exceptions in case of Central Government agencies, Central Public Sector Undertakings and State Public Sector Undertakings as above shall not be applicable.

- (2) The specified density for raising compensatory afforestation under this sub-rule shall be such as to develop, a forest of a minimum canopy density of 0.4 or more in the fifth year of start of compensatory afforestation operation, and the area has sufficient vegetation stock to enable it to mature into land with canopy density of minimum 0.7.
- (3) In case of non-availability of the non-forest land, the compensatory afforestation can also be raised over the following lands, which will be provided minimum double in extent of the area being diverted or difference between the forest land being diverted and the available non-forest land, as the case may be, is made available and they are notified as Protected Forests under the Indian Forest Act, 1927 (16 of 1927) or local Acts prior to ‘Final’ approval:
  - (a) revenue forest lands i.e. land recorded as forest in the Government records but not notified as forest under any law and not managed by the Forest Department viz. revenue lands or zudpi jungle or chhote-bade jhar ka jungle or jungle-jhari land or civil-soyam or orange forest lands and all other such categories of forest lands, provided they are transferred and mutated in the name of State Forest Department;
  - (b) the degraded Unclassed State Forests in the State of Arunachal Pradesh, shall be considered for compensatory afforestation provided they are transferred and mutated in the name of State Forest Department;

- (c) the waste lands in the State of Himachal Pradesh, falling under the category of Protected Forests but have neither been demarcated on the ground nor transferred and mutated in the name of forest department in the revenue records, provided they are transferred and mutated in the name of State Forest Department;
  - (d) lands falling under section 4 and 5 of the Punjab Land Preservation Act, 1900 in the States of Haryana, Punjab and Himachal Pradesh, which are not under the management and administrative control of the State Forest Department, provided that such lands will be transferred and mutated in the name of State Forest Department, unless as specified and agreed to by the Central Government to notify them under Indian Forest Act 1927 (16 of 1927), without transferring them to the State Forest Department, on case to case basis;
- (4) Special dispensation for raising compensatory afforestation over degraded forest land, minimum double in extent, may be considered in respect of following proposals, namely.—
- (a) in the States or Union territory Administrations, having forest area more than 33% of their total geographical area and a certificate on non-availability of suitable non-forest land for raising compensatory afforestation has been furnished by the State Government /Union territory Administration in the format specified under **Schedule-III**, appended to these rules;
  - (b) transmission line projects;
  - (c) laying of telephone or optical fibre lines;
  - (d) mulberry plantation undertaken for silkworm rearing;
  - (e) extraction of minor materials from the river beds;
  - (f) construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 5 hectares;
  - (g) actual impact zone of the field firing range considered for diversion under the Adhiniyam or 10% of the total forest area diverted in case entire area of the field firing range is proposed for diversion;
  - (h) any degraded forest land for the purpose of compensatory afforestation, selected by the State Government or the Union territory Administration, under this sub-rule, may be accepted by the Central Government when the crown density of such degraded forest is below 40 percent and such areas is not a natural or managed grassland being used for the management and conservation of wildlife; and
- (5) In the following categories of proposals, cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation-
- (a) clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation;
  - (b) diversion of forest land up to one hectare; and
  - (c) Underground mining in forest land without surface rights.
- (6) No compensatory afforestation shall be charged in respect of renewal of mining lease for the forest area for which land for compensatory afforestation and cost of plantation has already been paid.
- (7) In respect of diversion of forest land earmarked for the maintenance of safety zone along the inner boundary of a mine, the provisions of the raising compensatory afforestation, as applicable in the entire forest area proposed for diversion, shall be applicable in lieu of forest land located in the safety zone.
- (8) Non-forest land identified for raising compensatory, contiguous to forest land, located in the wildlife corridors and protected areas shall be incentivised as per the provisions provided in the **Schedule-II** appended to these rules;

**14. Management of compensatory afforestation.—**(1) The land specified under sub-rule (1) of rule 13, shall be demarcated by concrete pillars of suitable size and handed over, free from all encumbrances to the State Forest Department or Union territory Forest Department and the same shall be notified as protected forest under section 29 of Indian Forest Act, 1927 (16 of 1927) or under any other law for the time being in force before the Final approval is granted under the Adhiniyam.

- (2) The land identified and earmarked for compensatory afforestation shall be treated and afforested by the State Government or Union territory Administration or user agency as per the compensatory afforestation plan approved as part of the said forest diversion proposal and the work of compensatory afforestation shall start within two years of issue of order of diversion of the corresponding forest land and the Central Government may issue guidelines on the modalities of compensatory afforestation, including agencies that may undertake compensatory afforestation.
- (3) Subject to the consent of the State Governments or Union territory Administrations, in case the forest land to be diverted is in a hilly or mountainous State or Union territory having forest cover of more than two-third of its geographical area or situated in any other State or Union territory having forest cover of more than one-third of its geographical area, creation of compensatory afforestation, accredited compensatory afforestation and land banks may be taken up in another State or Union territory Administration:

Provided that, the money towards compensatory afforestation in such cases shall be transferred to the State Compensatory Afforestation Fund of the State or Union territory in which the compensatory afforestation land has been identified and the remaining money of the compensatory levies shall be deposited in the Compensatory Afforestation Fund Management and Planning Authority Fund of the State Government or Union territory Administration in which the forest land has been proposed to be diverted:

Provided further that in cases, where due to unfulfilment of the conditions specified in this sub-rule such as percentage of forest land of the geographical area, it is not possible to raise compensatory afforestation in the same State or Union territory Administration where diversion of forest land is proposed or in other States or Union territory Administration, the Central Government, in public interest, may allow, on case to case basis, compensatory afforestation in other State or Union territory Administration.

- (4) (a) A State Government or Union territory Administration as the case may be, for the purpose of compensatory afforestation, may create a land bank under the administrative control of the Department of Forest;
- (b) The minimum size of the land bank shall be a single block of twenty five hectares:

Provided that in case a land bank is in continuity of a land declared or notified as forest under the Indian Forest Act, 1927 (16 of 1927) or under any other law for time being in force, protected area, tiger reserve or within a designated or identified tiger or wildlife corridor, there shall be no restriction on size of the land; and

- (c) The lands covered under accredited compensatory afforestation earned under sub-rule (5) may be included in the land bank.
- (5) (a) The Central Government may formulate an accredited compensatory afforestation mechanism to be used for obtaining prior approval under sub-section (1) of section 2 of the Adhiniyam.
- (b) the accredited compensatory afforestation may be earned by a person if he has established afforestation over land on which the Ahiniyam is not applicable and is free from all encumbrances;
- (c) an afforestation shall be counted towards accredited compensatory afforestation if such land has vegetation composed predominantly of trees having canopy density of 0.4 or more and the trees are at least five years old;
- (d) the accredited compensatory afforestation shall be earned by developing afforestation of one-hectare area with 0.4 or more canopy density, but there shall be no accredited compensatory afforestation for developing an area below 0.4 canopy density or below one-hectare land;
- (e) the accredited compensatory afforestation may be swapped for compensatory afforestation proposed under rule (13):

Provided the accredited compensatory afforestation cover a block of minimum of ten hectares and has been fenced as per norms specified for compensatory afforestation in that area:

Provided further that accredited compensatory afforestation over land of any size situated in the continuity of land declared or notified as forest under any law, protected area, tiger reserve or within a designated or identified tiger or wildlife corridor, may be swapped for compensatory afforestation;

- (f) the accredited compensatory afforestation earned out of vacation of non-forest lands on account of voluntary relocation of a village from a national park, wildlife sanctuary or tiger reserve and designated or identified tiger or wildlife corridors shall qualify for compensatory afforestation as per **Schedule –II** annexed to these rules, and may be used by a user agency in lieu of compensatory afforestation under rule (13);
- (g) the accredited compensatory afforestation identified under this rule shall be demarcated with concrete pillars of suitable size and handed over, free from all encumbrances to Forest Department of the State

Government or Union territory Administration and the same shall be notified as protected forest under section 29 of Indian Forest Act, 1927 (16 of 1927) or under the provision of any other law for the time being in force before the Final approval is granted under the Adhiniyam;

- (h) The Central Government, from time to time, may issue detailed guidelines on creation of accredited compensatory afforestation, its stock registry and management for the purpose of its swap for compensatory afforestation land and cost of maintenance thereof up to a period specified by the Central Government.
- (i) All entities registered for accredited compensatory afforestation shall register with the Green Credit Registry under the Green Credit Policy Implementation Rules, 2023 and besides their eligibility for compensatory afforestation in lieu of diversion of forest land, the accredited compensatory afforestation will also be eligible for allocation of green credits under the Green Credit Policy Implementation Rules, 2023.

**15. Proceedings against persons guilty of offences under the Adhiniyam.—**

- (1) The Central Government may, by notification in official gazette, authorise an officer of the rank of Divisional Forest Officer or Deputy Conservator of Forests and above of the State Government or Union territory Administration concerned, having jurisdiction over the forest land in respect of which any offence under the Adhiniyam is committed or violation of the provisions of the said Adhiniyam has been made, to file complaints against such person or authority or organization, prima-facie found guilty of offence under the Adhiniyam or the violation of the rules made thereunder, in the court having jurisdiction in the matter.
- (2) The Central Government, after receiving the information with respect to offence committed or violations made either through State Government or Union territory Administration or authorities or any other source or *suo moto*, shall, after examination, communicate the same to the State Government or Union territory and the authorities concerned under whose jurisdiction the offence under the Adhiniyam has been committed or any provision of the said Adhiniyam has been violated, for filing the complaint against the offenders before the court having jurisdiction and it shall act as a prerequisite for the authorised officer before such complaints are filed within a period of forty five days from the receipt of such communication. The State Government and authorities concerned shall submit a periodic report to Regional Office, from time to time, regarding filing of the complaints.
- (3) An Officer of the rank of Assistant Inspector General and above, may be authorized by the Central Government, by notification, to initiate legal proceedings and file complaints, against the offences committed under the Adhiniyam.
- (4) The officer authorized by the Central Government in sub-rule (1) and (3) may require any officer or any person or any other authority of the State Government or the Union territory Administration, as the case may be, to furnish to it within a specified period any reports, documents, and any other information related to contravention of the Adhiniyam or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

**16. Miscellaneous.—**(1) For the purpose of explanation of government records provided under subsection (1) of section 1A of the Adhiniyam, the State Governments and Union territory Administrations, within a period of one year, shall prepare a consolidated record of such lands, including the forest like areas identified by the Expert Committee constituted for this purpose, unclassified forest lands or community forest lands on which the provisions of the Adhiniyam shall be applicable.

- (2) The felling of trees on forest lands approved for use for the non-forest purpose under these rules shall be restricted to a bare minimum and to an unavoidable number and shall be done under the supervision of the local Forest Department and the forest produce obtained therefrom shall be handed over to the local Forest Department for disposal in the manner specified by the State Government or Union territory Administration which shall give preference to distribution to local villagers for meeting their domestic bonafide requirement.
- (3) The forest land diverted for non-forest purpose under these rules shall be appropriately surveyed jointly by the user agency and the Forest Department or the land-owning Department, demarcated on the ground by way of appropriate permanent boundary marks at the cost of the user agency and handed over by the Forest Department or land-owning Department to the user agency prior to starting of any non-forest use.
- (4) For the purpose of forest cover under these rules, the figures and description used in the latest India State of Forest Report published by Forest Survey of India shall be referred.

- (5) The Central Government may cancel approval accorded in respect of a proposal, with or without the request of the State Government or Union territory Administration and may decide to refund the compensatory levies deposited, on case to case basis.
- (6) The conditions imposed by Central Government for diversion of forest land for the non-forest purpose shall not be changed or modified after a period of two years from the date of grant of final approval unless some exceptional circumstances arise or the Central Government considers it necessary to impose any additional clause of compliance.
- (7) The proposals on forest land under litigation or *sub-judice* on account of an issue pertaining to the Indian Forest Act, 1927 (16 of 1927), local forest Act or Adhiniyam will be dealt as per the orders of the Courts or Tribunals passed in such cases and the date of applicability of the Adhiniyam in such lands shall be in accordance with the direction, if any, passed by the Courts or Tribunals.
- (8) Any proposal which has already been submitted under the provisions of the Forest (Conservation) Rules, 2003 or Forest (Conservation) Rules, 2022 and are currently under consideration of the various authorities in the State Government or Union territory Administration or the Central Government for grant of 'In-principle' or 'Final' approval shall be dealt in the following manner, namely:-
- Any proposals granted 'In-principle' approval shall be dealt under the provisions of the extant rules and be processed and considered for grant of 'Final' approval without amending the conditions stipulated in the 'In-principle' approval; and
  - Any provision of the extant rules will be applicable on the proposals which are yet to be granted 'In-principle' approval under the Adhiniyam.

**Schedule-I****TIME LINE FOR PROCESSING OF PROPOSALS SEEKING PRIOR APPROVAL OF CENTRAL GOVERNMENT**

[See rule 8 (1), rule 9, rule 10 and rule 11]

Processing Authorities		Area (Ha)/working days			
		Up to 5*	5 to 40*	40 to 100*	More than 100*
<b>A. State Level</b>	Project Screening Committee	0	30	30	30
	DCF/District Collector	10	10	10	20
	Site inspections by DCF/CF/Nodal Officer	5	5	20	20
	Processing by Nodal Officer/ PCCF	5	10	15	15
	State Govt.	10	15	15	15
	<b>Sub-Total</b>	<b>30</b>	<b>70</b>	<b>70</b>	<b>100</b>
<b>B. Regional Office</b>	Scrutiny to examine completeness	3	3	3	3
	Examination and processing of the proposal by the Regional Office	5	5	5	5
	Site inspection by Regional Office	0	0	15	15
	Examination and approval by the Regional Empowered Committee	0	20	20	20

	Processing and approval by competent authority (CA)	5	5	5	5
	Communication of approval of CA	2	2	2	2
	<b>Total</b>	<b>15</b>	<b>35</b>	<b>50</b>	<b>50</b>
	<b>Total (A+B)</b>	<b>45</b>	<b>105</b>	<b>120</b>	<b>150</b>
<b>C. MoEFCC</b>	Scrutiny to examine completeness	3	3	4	4
	Examination and processing of the proposal	6	6	5	5
	Site inspection by Regional Office	10	10	20	20
	Advisory Committee	20	20	20	20
	Approval by competent authority (CA)	10	10	10	10
	Communication of approval of CA	1	1	1	1
	<b>Total</b>	<b>50</b>	<b>50</b>	<b>60</b>	<b>60</b>
	<b>Total (A+C)</b>	<b>85</b>	<b>120</b>	<b>160</b>	<b>160</b>

\*Time line is prescribed for the proposals which are complete in all respects excluding the time consumed in seeking additional details from the State/UT or User agency.

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#### PROPOSED TIME LINE FOR GRANT OF 'FINAL' APPROVAL

Level	Activity	Time (days)
<b>State Level</b>	Issue of demand note for payment of compensatory levies by the user agency	2
	Approval of demand note by the Nodal Officer	3
	Payment of compensatory levies and submission of documents/ certificate by the user agency	5
	Examination of the compliance report by the DFO and forwarding of complete compliance report by DFO to the Nodal Office FC Act, 1980 with intimation to the CF/CCF	5
	Examination of compliance report by the Nodal Officer and issue of shortcomings, if any, to the DFO for compliance, or forwarding of the completed compliance report to the MoEFCC / Regional Office	10
	<b>Sub-Total</b>	<b>25</b>
<b>MoEFCC, New Delhi/ Regional Office</b>	Examination of the compliance report, confirmation of remittance of compensatory levies realised from the user agency in to the CAMPA account and issue of shortcomings, if any, or State-II approval	20
	<b>Sub-Total</b>	<b>20</b>
	<b>Grand Total</b>	<b>45</b>

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**Schedule II**

[See rule 13 and rule 14]

**PROVISIONS FOR THE REQUIREMENT OF LAND RELATED TO COMPENSATORY AFFORESTATION**

Sl. No.	Description of Compensatory Afforestation Land	Size of Compensatory Afforestation land as compared to forest land to be diverted for non-forest purpose
(1)	(2)	(3)
1.	Land to which provisions of the Adhiniyam are not applicable.	Equivalent.
2.	Land recorded as 'forest' in Government record but does not fulfill all of the following conditions:- (a) notified as forest under any other law for the time being in force (b) managed as forest by Forest Department. ( <i>This dispensation is allowed to <u>certain</u> proposals of Central Government and State Government or Union territory Administration only.</i> )	Two times.
3.	Degraded notified or unclassified forest land. ( <i>This dispensation is in case of State Public Sector Undertakings for captive coal blocks on case to case basis and Central Government Agencies/Central Public Sector Undertakings on case to case basis involving no acquisition of non-forest land</i> )	Two times
4.	Land, qualifying for Compensatory Afforestation under Sl. No. (1), provided is of size of twenty-five hectares or more in one block.  Compensatory Afforestation land of less than ten hectares shall not be accepted unless the requirement of Compensatory Afforestation land is less than ten hectares in which case the user agency has to bear the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	Five <i>per cent</i> less for every additional block size of ten hectares or part thereof subject to a maximum of twenty-five <i>per cent</i> rebate.  This percentage will be applicable only on the additional block size acquired beyond the minimum size of twenty five hectares.
5.	Land, qualifying for Compensatory Afforestation under Sl. No. (1), that is less than 25 hectares size but more than 10 hectares size in one block  If the requirement of Compensatory Afforestation land is less than twenty-five hectares but more than ten hectares in size, the provision of excess land for Compensatory Afforestation shall not be applicable but the user agency has to bear the additional cost of protection of Compensatory Afforestation so raised for a period of twenty years from the date of planting.	Five <i>per cent.</i> more for every five hectares smaller block size or part thereof.
6.	Land qualifying for Compensatory Afforestation under Sl. No. (1) above and is located within the notified boundary of a protected area	Twenty-five <i>per cent.</i> less

7.	Land qualifying for Compensatory Afforestation under Serial No. (1) or (2) and is located in continuity of a notified boundary of a National Park or a Wildlife Sanctuary or area linking one protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors.	Fifteen <i>per cent.</i> less.
8.	Land qualifying for Compensatory Afforestation under Sl. No. (1) or (2) and is located adjacent to a forest land notified as forest under Indian Forest Act, 1927 (16 of 1927) or any other law.  Accredited Compensatory Afforestation land of any size may be accepted in case it is contiguous to a forest land notified under any law.	Ten <i>per cent.</i> less
9.	Compensatory Afforestation land made available from complete and voluntary relocation of a village/ habitation (situated in non-forest land) from a Wildlife Sanctuary, National Park or Tiger Reserve, to a non-forest land outside such Sanctuary, Park or Reserve or area linking protected area or tiger reserve with another protected area and designated or identified tiger or wildlife corridors, as the case may be.	<p>(a) Exemption from payment of Net Present Value of forest land equivalent to the Compensatory Afforestation land by way of vacation of village or habitation from National Park/ Wildlife Sanctuary/ Tiger Reserve.</p> <p>Note: "Net Present Value" shall have the same meaning as assigned in clause (j) of section 2 of the Compensatory Afforestation Fund Act, 2016 (38 of 2016).</p> <p>(b) Accredited Compensatory Afforestation in the ratio of 1:1.25 (Non-forest land: Accredited Compensatory Afforestation earned) so vacated by a village by way of voluntary relocation (<i>provided that the same shall be notified as part of the Wildlife Sanctuary, National Park or Tiger Reserve and also notified as Protected Forest or Reserved Forest</i>).</p> <p>(c) Additional Accredited Compensatory Afforestation at the rate of 0.5 ha per relocated family.</p>

**Note 1:** The user agency or Accredited Compensatory Afforestation developer shall ensure that relocation is voluntary.

**Note 2:** No compensation under relevant schemes of the Central Government or State Government would be payable to such relocatees or user agency or Accredited Compensatory Afforestation developer.

**Note 3:** The State Government can also use this provision, provided no central assistance on such scheme is availed.

### Schedule-III

#### CERTIFICATE OF NON-AVAILABILITY OF LAND FOR COMPENSATORY AFFORESTATION IN THE STATE/UNION TERRITORY TO BE ISSUED BY THE STATE GOVERNMENT//UNION TERRITORY ADMINISTRATION

[See rule 13(4)]

No.....

Dated.....

I....., Designation.....(Name of State/ Union Territory) do here by certify that:

i.

- i. Relevant records pertaining to non-forest land, revenue lands, *zudpi jungle, chhote jhar ka jungle, bade jhar ka jungle, jungle jhari land, civil-soyam lands* and all other such categories of forest lands

(except the forest land under the management and administrative control of the Forest Department) on which the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are applicable, available in each district of..... (name of the State/UT) have been examined; and

- ii. I have also conducted such further enquiry as is required to satisfy myself for issue of this certificate. On the basis of examination of relevant records and such further enquiry, as was required for issue of this Certificate, I do hereby certify that non-forest land, revenue lands, *zudpi jungle*, *chhote jhar ka jungle*, *bade jhar ka jungle*, *jungle-jhari land*, *civil-soyam* lands and all other such categories of forest lands (except the forest land under management and administrative control of the Forest Department) on which the provisions of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 are applicable, which as per the extant guidelines of the Central Government may be utilized for creation of compensatory afforestation in lieu of forest land diverted for non-forest purpose, is not available in the entire (name of State/UT)

Issued under my hand and seal on this.....day of.....

Signature & Official Seal

[F. No. FC-11/118/2021-FC]

RAMESH KUMAR PANDEY, Inspect General of Forests

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

**PR-24**

**ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಇಲಾಖೆ  
ಅಧಿಸೂಚನೆ**

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 44 ಕೇನಿಪ್ರ 2023 ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 10.01.2024.  
ದಿನಾಂಕ: 19.12.2023 ರಂದು ಭಾರತ ಸರ್ಕಾರದ ಗೆಜೆಟ್‌ನ ವಿಶೇಷ ಸಂಚಿಕೆಯ  
Part-II-Section-3 Sub Section (i)ರಲ್ಲಿ ಪ್ರಕಟವಾದ the Offshore Wind Energy Lease Rules,  
2023ರ Notification-GSR 901(E) ಅನ್ನು ಸಾರ್ವಜನಿಕರ ಮಾಹಿತಿಗಾಗಿ ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದಲ್ಲಿ  
ಮರು ಪ್ರಕಟಿಸಲಾಗಿದೆ,-

**MINISTRY OF EXTERNAL AFFAIRS**

**NOTIFICATION**

New Delhi, the 19th December, 2023

**G.S.R. 901(E).**—In exercise of the powers conferred by section 15 of the Territorial Waters, Continental Shelf, Exclusive Economic Zones and Other Maritime Zones Act, 1976 (80 of 1976), the Central Government hereby makes the following rules to regulate the grant of lease of offshore areas, namely:-

**1. Short title and commencement.** - (1) These rules may be called the Offshore Wind Energy Lease Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.** - (1) In these rules, unless the context otherwise requires:-

- a) “Act” means the Territorial Waters, Continental Shelf, Exclusive Economic Zones and Other Maritime Zones Act, 1976 (80 of 1976);
- b) “Agreement” means an agreement entered between the Central Government and Lessee;
- c) “Central Government” means the Ministry of New and Renewable Energy **in the Government of India which administers these rules;**
- d) “Decommission” means decommissioning of the wind turbines, machinery and used cables as well as uprooting and demolition of the foundation structures along with removal of the debris and returning the seabed to its original configuration in accordance with applicable law/international practices;
- e) “Designated Agency” means the agency designated by the Central Government for bidding or monitoring the project;
- f) “Designated Lease Areas” means designated portion of lease area where entry restriction can be applied for a notified period to carry out activities related to offshore wind energy project and offshore transmission project;
- g) “Geophysical Survey” means the physical examination of the water column, sea bed and sub-soil, for spatial studies and preparation of geological maps and geological sections defining the seabed condition of different zones to help in designing the foundations structures for such offshore wind turbines for electrical power generations;

- h) “Geotechnical survey” means the drilling of bore-holes to source scientific information and other data relating to soil and sub-soil conditions including assessment of its load bearing capacity with an objective to set up the offshore wind projects;
- i) “Lease” means an agreement to grant rights over seabed within Exclusive Economic Zone to Lessee by the Central Government for a fixed term against payment of lease amount;
- j) “Lessee” means a person or an entity who has been granted a lease;
- k) “Lease Issuing Authority” means an authority designated by the Central Government for offshore wind energy project and offshore wind transmission project;
- l) “National Institute of Wind Energy” is an autonomous institution under the administrative control of Ministry of New and Renewable Energy;
- m) “Offshore Wind Energy Project” means a complete system consisting of wind turbines, offshore pooling sub-station, array of offshore cables including intra array cables and inter array, and power generating systems from other renewable sources utilised on offshore platforms to meet the auxiliary power needs within the Exclusive Economic Zones with fixed foundation or floating foundation to generate electrical power in natural sea environment;
- n) “Offshore wind Transmission Project” means transmission power evacuation system from offshore pooling points to onshore pooling points for the purpose of Offshore Wind Energy Project;
- o) “Wind turbine” means wind operated electricity generator that converts kinetic energy of wind into electrical energy;

(2) Words and expressions used herein and not defined but defined in the Act shall have the same meaning respectively as assigned to them in the Act.

**3. Installation, Commissioning of offshore wind energy under a lease.** - No person or entity shall install offshore wind energy projects or offshore transmission projects, except under a Lease granted under these rules.

**4. Regulatory Mechanism.** – The Central Government may utilise the services of the National Institute of Wind Energy, an autonomous body for matters related to wind energy.

**5. Grant of lease.**– (1) The Central Government may lease out offshore area within Exclusive Economic Zone for Offshore Wind Energy Project and Offshore Wind Transmission Project;

(i) the offshore area for the Lease shall be identified by the Central Government based on wind resource assessment followed by marine spatial planning.

(ii) the selection process of the Lessee shall be governed by National Offshore Wind Energy Policy;

(iii) clearances from the Ministry of Defence, Ministry of Home Affairs, Ministry of External Affairs, Ministry of Environment, Forest and Climate Change, Department of Space and Ministry of Ports, Shipping and Waterways shall be obtained before granting of the Lease;

(2) The Lessee shall enter into an agreement with Central Government for the grant of lease; and for setting up Wind Energy capacity according to the Guidelines issued by the Govt of India.

(3) Every lease shall contain such of the terms, covenants and conditions under these rules and additional terms, covenants and conditions that may be stipulated in the agreement between the Central Government and the Lessee and the details of lease shall be published in Official Gazette.

**6. Right of the lessee.** – (1) Subject to the terms and conditions of the agreement that may be arrived between the Central Government and the Lessee, after consultation with the State Government and other stakeholders, the rights of the Lessee within the lease area shall be as follows;

- i. every lessee shall have the exclusive right to carry out activities related to offshore wind energy and offshore wind transmission including studies and surveys, for fulfilling obligations under the Lease;
- ii. Right to use waterways for required work related to offshore wind or offshore transmission or both, as the case may be;
- iii. every lessee shall have the right to restrict,-
  - a. the entry into the Designated Lease Areas for such period as notified by the Central Government for the purpose of construction or operation and maintenance of the offshore wind farm;
  - b. the navigation of boats, ferries and ships obstructing the operation of the project site;

- c. movement within fifty meters distance from the wind turbine foundation and five hundred meters distance from the sub-station;
- d. the anchoring or use of fixed fishing gears within the Designated Lease Areas as per 6 (iii)(a);
- e. activities such as scuba diving, windsurfing, kiting and the like, within the Designated Lease Areas as per 6 (iii)(a):

Provided that activities such as fishing for the purpose of livelihood and other activities that may co-exist with the offshore wind energy farm in the interest of the common public shall be permissible, if they do not affect the normal working of the offshore wind energy farm.

**Note:** The Designated Lease Areas would vary for measurement and exploration activities, during the construction period and during the operation and maintenance period. The Designated Lease Areas shall be approved by the Central Government and the Lessee shall have to make wider circulation of the notification in three local newspapers and three national newspapers.

(2) The Lessee shall not have any right for exploration and extraction of minerals, materials and other resources from the sea bed, subsoil, super adjacent waters and any other activities except offshore wind power generation related works.

(3) The Lessee shall not sublease any part of the Lease, without the approval of the Central Government.

**7. Date of effect of the lease.** - Every Lease shall be effective from the date as specified in the lease agreement.

**8. Area and term of the lease.** - (1) The area covered by the Lease shall be specified and the Lease shall be valid for a period of three years for resource measurement and related study/survey activities, further extendable for adequate reasons by an additional two years. Post expiry of the five years period, the Lease shall expire; and all clearances to the Lessee shall be withdrawn and the Lessee shall have to deposit the study or survey data to National Institute of Wind Energy; unless the lessee has started work to set up wind energy capacity as per the terms of the Lease.

(2) For construction and operation of offshore wind energy project, the Lease shall be extended for thirty five years which can be extended further on case to case basis subject to functional viability and safety of the project.

(3) The area covered under a Lease, shall ordinarily be twenty-five square kilometres to five hundred square kilometres and the same may vary depending on the size of the project.

**9. Security deposit, annual lease fee and shedding of areas etc.-** (1) The applicant shall deposit the refundable security deposit to the Designated Agency before the Lease is granted by the Lease Issuing Authority within three months from the letter of demand to the Lessee;

- i. for installation and commissioning of an offshore wind energy project, a sum of rupees one lakh per megawatt;
- ii. for a separate offshore wind transmission project, a sum of rupees fifty thousand per megawatt;
- iii. the security deposit will be returned to the Lessee after successful operation of the offshore wind energy project and decommissioning at the end of the lease agreement for:

Provided that the security deposit shall be returned after production of a certificate of proper decommissioning and adherence to terms and conditions of lease from Designated Agency.

(2) The applicant shall pay a yearly lease fee at a rate of rupees one lakh per square kilometre per year in advance, calculated for each square kilometre or part thereof covered by the lease. The fee is required to be deposited within one month from the letter of demand from the Lease Issuing Authority.

(3) The Lessee shall be allowed to relinquish the entire or partial lease area on giving thirty days prior notice to the Central government and paying the yearly lease fee for the next five years or up to the lease period whichever is earlier:

Provided that in case the entire proposed Project Capacity is commissioned in a partial lease area, the remaining partial lease area shall be relinquished on giving thirty days prior notice and paying the lease fee for the next thirty days or up to the lease period whichever is earlier.

Provided further that in case either full or partial capacity of the project cannot be installed due to *force majeure* or due to technical viability or due to regulatory clearances as accepted by the Central Government, the relevant lease area shall be relinquished on giving thirty days prior notice and paying the lease fee for the next thirty days or up to lease period, whichever is earlier.

(4) In case, the activity - related study or survey or offshore wind project is not commenced within six months from the effective date of Lease, the Central Government may cancel the Lease and forfeit the security deposit.

(5) No royalty shall be applicable for the development of offshore wind energy projects.

**10. Identification of areas.-** Within three months from the effective date of the lease, the Lessee shall display notices or floaters or signage or indicators at all conspicuous points on the area covered by the lease, so as to indicate its boundaries and shall, thereafter during the term of such lease, maintain such notices or floaters or signage or indicators subject to the satisfaction of the Central Government and other stakeholders including the State Governments, Coast Guard and Indian Navy.

**11. Transfer or Assignment. -** The Lessee shall not assign or transfer his right, title and interest in respect of the Lease or in respect of the area within the territorial waters or the continental shelf of India covered by such Lease, without the written consent of the Central Government.

**12. Right of Pre-emption. -** In the case of emergency due to natural disaster, civil unrest or external aggression, the Central Government shall have the right of pre-emption of the lease for power generation from such projects, during an emergency:

Provided that where the project has been commissioned and is generating, the lessee shall be paid the cost of power which could not be dispatched during the period of pre-emption.

**13. General Provision. -** The Lessee shall;

- (i) maintain all equipment, infrastructure and wind turbines capable of producing power in good repair and conditions on the area covered by the lease;
- (ii) execute all prospecting, installation, commissioning and operations of wind energy project with proper workmanship in accordance with the instructions, directions and orders that may be issued by the Central Government;
- (iii) the Lessee shall have a local office in India to conduct all the operations and designate a nodal officer who shall be responsible for complying with all the terms and conditions of the Lease;
- (iv) the Lessee shall insure the equipments, men and third parties during operations;
- (v) the Lessee shall indemnify the Central Government or its assignee from any liabilities;
- (vi) upon the termination of the lease or upon the relinquishment of any area covered by it, the Lessee shall furnish confidentially complete records of all the survey or investigation data such as meteorological, bathymetric, ocean current, sonar data, physical oceanographic data, surface geological maps and sections, magnetic and gravity measurements and anomaly maps, seismic profiles, sections and structure contour maps, electrical and telluric current survey data, and other information having direct or indirect bearing on the offshore wind energy possibilities in the area collected by the Lessee to the Central Government excluding the information covered under intellectual property rights of the Lessee. This data shall be shared with Integrated Head Quarter (Navy), Ministry of Defence;
- (vii) the Lessee shall not be allowed to share data with any third party except in relation to executing the offshore wind energy project. Prior permission shall be taken from the Integrated Head Quarter (Navy) before sharing of any data;
- (viii) the Lessee shall not be allowed to use the data related to offshore wind projects such as oceanographic, current, bathymetric and geology or wind profile for any other purpose, whatsoever after relinquishing the lease area;
- (ix) the Lessee shall not be involved in any unsolicited or unauthorised activity which may be deemed illegal or against national interest, both within the offshore wind farm and in adjoining areas of land and water around such designated or demarcated offshore wind farms;
- (x) no material shall be permitted to be dumped in the Maritime Zones, Continental Shelf, Territorial Water and Exclusive Economic Zone at the time of installation, during operation and on termination of the lease;
- (xi) security of the wind farm is to be ensured through physical and electronic means by the Lessee and the security measures instituted shall be intimated to the Indian Navy through the Integrated Head Quarters (Navy);
- (xii) requisite real-time surveillance information shall be shared with the Coast Guard, Navy and other agencies identified by the Central Government;
- (xiii) the Central Government may authorise the Coast Guard, Navy and other identified agencies for fixing additional security surveillance system as deemed required;
- (xiv) all movements of the personnel or material shall take place from the designated port and the same shall be cleared by the Port Security, Police and Customs;
- (xv) relevant documents shall be produced for inspection by Indian Coast Guard on patrol in the area;
- (xvi) the antecedents of all foreign nationals engaged shall be verified by the concerned security agencies of the Central Government;



(xvii) the survey must be confined to the areas for which permission or lease has been granted. It shall be ensured that no civil vital areas or vital points, identified or communicated to the Lessee, get affected during the course of survey and at the time of installation or operation of the project;

(xviii) the Lessee will have to ensure necessary precautions and measures for navigational safety including providing data for the issue of amendments in charts, obstruction lights, in accordance with extant rules.

**14. Cancellation of lease. -** (1) The lease shall be cancelled in case the Lessee at any point of time:-

- (i) violates the terms and conditions of the lease or fails to fulfill or contravenes any of the terms or covenants or conditions contained therein; or
- (ii) fails to use the area covered under lease for the purposes for which the lease was granted within the stipulated lease period ; or
- (iii) uses such areas for purpose other than that for which it was granted; or
- (iv) causes irreparable environmental damage to flora and fauna; or
- (v) fails to produce requisite documents pertaining to the project.

(2) In case the failure/contravention is considered to be of remediable nature, the Central Government, may give notice to such Lessee, requiring him to ensure remedy within a specified period of time granted for the purpose from the date of receipt of the notice and convey that a penalty of forfeiture of whole or part of the security deposit may be imposed, if such remedial work not done within such period;

- (i) in case the imposed penalty is higher than security deposit, the Lessee shall be liable to pay the difference;
- (ii) the Central Government is satisfied that the failure, contravention in use on grounds mentioned above which cannot be remedied, on giving sixty days' notice to such Lessee and after considering representation, if any, made by him, it may order for forfeiture of the whole or any part of the security deposit made under sub-rule (1) of rule 9 of these rules and cancel the lease;
- (iii) such cancellation shall be published in the Official Gazette and shall take effect from the date of such publication:

Provided that if it is established that the delay or the failure on the part of such lessee to fulfil any of the terms, covenants and conditions of the lease due to *force-majeure*, the period of such delay shall be excluded from the specified period of time granted for the purpose.

**15. Spacing of Wind Energy Turbines and Off Shore Sub-stations. -** The Central Government may issue instructions, depending on the requirements or as per prevailing international norms for:

- i. the spacing of wind turbines;
- ii. the spacing of offshore sub-stations; and
- iii. least distance of wind turbines from boundary coordinates of the lease area.

**16. Decommissioning. -** (1) Lessee shall be required to decommission all installations and clear the seabed from all obstructions created by the project.

(2) Lessee shall have to complete the decommissioning within two years of termination of the lease and either reuse, recycle or responsibly dispose of all materials removed and the Central Government shall issue a separate guideline for the decommissioning of offshore wind project.

**17. Delivery of premises upon termination of lease.-** After termination of the lease under these rules, the Lessee shall handover the lease area to the Central Government;

- (i) the Lessee within two years after the termination of the lease under these rules or within such further time as the Central Government may grant; remove or dispose off all the components of offshore wind energy project or offshore transmission project or both, as the case may be, such as wind turbines or its parts, equipment, machinery, cables, electrical infrastructures and civil infrastructures existing, during the lease period:

Provided that where the Lessee needs time extension for decommission, the Lessee may apply to the Central Government and the same may be granted or refused, as it may deem fit, for reasons to be recorded in writing.

- (ii) if such stores, equipment, tools, machineries and other infrastructures are not so removed or disposed of, they may be sold by auction by order of the Central Government at the risk of the Lessee and the proceeds of such sale shall be held by the Central Government until applied for and obtained by the Lessee;
- (iii) the entire cost in removal and disposal process shall be borne by the Lessee.

**18. Regulation of operations. -** The Lessee shall carry out the construction, installation, commissioning and operation and maintenance of the offshore wind energy project in accordance with the technical standards and instructions issued by the Central Government.

**19. Suspension of operations.** - No Lessee without prior approval of the Central Government shall:-

- i. suspend normal power production from wind energy installations;
- ii. suspend the export of power to the onshore pooling station;
- iii. abandon the projects;
- iv. re-power the offshore wind farm beyond sanctioned Project Capacity beyond a tolerance of five per cent ;
- v. resume operation after a previous suspension without giving fifteen days prior notice to the Central Government;

Provided that if normal operations have to be suspended due to any unforeseen reason, notice thereof shall be given to the Central Government within twenty-four hours of such suspension.

**20. Control of operations.** - In case the lease area is used for activities causing threat to national security or irreparable damage to the environment, the Central Government, as it may appear to it, after giving notice to the Lessee shall,-

- (i) assume control of the operation of offshore Wind Turbines in isolation or in groups or complete project within a particular zone;
- (ii) appoint a such agency, as may be deemed necessary and authorise them to enter upon the premises, where wind turbines are installed and take over the possession of the zone.

**21. Agency for supervision.** - (1) The Central Government may nominate or constitute a suitable agency consisting of such number of persons as the Central Government may think fit:-

- (i) for the purpose of ascertaining whether the provisions contained in these rules and any orders, instructions and directions issued thereunder have been or are being complied with by the Lessee and whether the prospecting or wind energy production operations are being carried in accordance with these rules;
- (ii) to supervise the production including getting real-time data about performance, to ensure the optimal efficiency and delivery and submit report to the Central Government;
- (iii) to carry out its functions under this rule, depute any person authorised by it on this behalf to enter into and inspect any place to monitor the operations and functional efficiency.

(2) The Indian Coast Guard is empowered to board, inspect, check documents at wind farm such as license, photo identification of the personnel, make copies as necessary and on suspicion detain personnel, seize material for further investigation or action as per applicable laws.

**22. Default in Payment.** - (1) Payments under these rules, if not paid within the time specified for such payment, shall be increased by the rate of five per cent, for each month or portion of a month on pro-rata basis during which such fees or other payments are not paid.

(2) If any lease fee or other payment due in respect of a lease is pending for more than three months, the Central Government may cancel such lease and the cancellation shall take effect from the date of its publication in the Official Gazette.

**23. Dispute Settlement mechanism.** - (1) In case any dispute arises, efforts for amicable dispute resolution shall be made by both the parties and a committee chaired by Secretary, Ministry of New and Renewable Energy shall consider the matter before going for arbitration process.

(2) In case a dispute relating to any provision of lease agreement signed as per these rules is not settled amicably, it shall be referred to arbitrators.

(3) There shall be three arbitrators, one to be appointed by each party and the third by the two appointed arbitrators.

(4) Each party shall bears its own expenses at the arbitration and Arbitral Tribunal expenses shall be shared by the parties to the dispute unless otherwise decided by the Tribunal.

(5) The provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) and the rules made thereunder, shall apply to the arbitration proceedings under this rule, subject to sub-rule (2).

[F. No. L-111/16/2014]

UMA SEKHAR, Addl. Secy. (L&T)

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ, ಗುರುವಾರ, ೧೮, ಜನವರಿ, ೨೦೨೪

ಭಾಗ ೪

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ  
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ  
(ಡಿ.ಬಿ. ಜನಾರ್ದನ)  
ಸಹಾಯಕ ಪ್ರಾರೋಪಕಾರ ಮತ್ತು ಪದನಿಮಿತ್ತ  
ಸರ್ಕಾರದ ಉಪ ಕಾರ್ಯದರ್ಶಿ  
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು  
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ

PR-25